FEDERAL REGISTER

Vol. 83 Tuesday,

No. 84 May 1, 2018

Pages 18913–19156

OFFICE OF THE FEDERAL REGISTER

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

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 250

[FNS–2017–0001]

RIN 0584–AE38

Revisions and Clarifications in Requirements for the Processing of Donated Foods

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule.

SUMMARY: This rule revises and clarifies requirements for the processing of donated foods in order to: Incorporate successful processing options tested in demonstration projects into the regulations, ensure accountability for donated foods provided for processing, increase program efficiency and integrity, and support vendor and State operability. The rule requires multi-State processors to enter into National Processing Agreements to process donated foods into end products, permits processors to substitute commercially purchased beef and pork of U.S. origin and of equal or better quality for donated beef and pork, and streamlines and modernizes oversight of inventories of donated foods at processors. The rule also revises regulatory provisions in plain language, to make them easier to read and understand.

DATES: This rule is effective July 2, 2018.

FOR FURTHER INFORMATION CONTACT: Kiley Larson or Erica Antonson at Food Distribution Division, Food and Nutrition Service, 3101 Park Center Drive, Room 506, Alexandria, Virginia 22302, or by telephone (703) 305–2680.

SUPPLEMENTARY INFORMATION:

I. Background and Description of Comments Received

In a proposed rule published in the **Federal Register** on January 5, 2017 (82 FR 1231), Food Nutrition Service (FNS) proposed to amend Food Distribution regulations at 7 CFR part 250 to revise and clarify requirements for the processing of donated foods, in order to formalize processing options already being used in current practice, incorporate input received from processors and State and local agencies administering child nutrition programs, and rewrite much of 7 CFR part 250 Subpart C in a more user-friendly, ''plain language'' format. The Department of Agriculture (the Department or USDA) provides donated foods to State distributing agencies for distribution to recipient agencies (*e.g.,* school food authorities) participating in the National School Lunch Program (NSLP) and other child nutrition or food distribution programs. In accordance with Federal regulations in 7 CFR part 250, distributing agencies may provide the donated foods to commercial processors for processing into end products for use in NSLP or other food programs.

For example, a whole chicken or chicken parts may be processed into precooked grilled chicken strips for use in NSLP. The ability to divert donated foods for further processing provides recipient agencies with more options for using donated foods in their programs. Program regulations ensure that State and recipient agencies, and program recipients, receive the full benefit of the donated foods provided to such processors for processing into end products.

FNS solicited comments through April 5, 2017, on the provisions of the proposed rulemaking. These comments are discussed below and are available for review at *www.regulations.gov*. To view the comments received, enter ''FNS–2017–0001'' in the search field on the main page of *www.regulations.gov*. Then click on ''Search.'' Under ''Document Type'', select ''Public Submission''.

FNS received 31 written comments regarding the proposed provisions from three associations and advocacy groups, eight State agencies, one recipient agency, thirteen private companies, and six individuals who did not identify an affiliation with an organization. Twelve of the comments received were duplicates of the comment submission from the American Commodity Distribution Association (ACDA). Two comments were supportive of the rule as proposed, in its entirety. The majority of the comments were supportive but recommended changes to add clarity and consistency to the language in the regulations.

Some commenters were supportive of the rule but opposed to a specific provision. There were no comments in opposition of the proposed rule as a whole.

Most commenters in support of the proposed rule indicated they were in favor of the clarifying changes and the consolidation of requirements previously tested in demonstration projects. Commenters also supported measures in the proposed rule to reduce administrative and reporting burdens on State distributing agencies and to streamline participation for industry stakeholders processing USDA Donated Foods.

Most commenters requested further clarification and guidance on the proposed rule and the provisions being changed. Specifically, commenters requested clarification on:

- The terminology used in the rule to ensure clear understanding of the intent and meaning of proposed provisions and requests to include commonly-used industry terms;
- The roles and responsibilities of FNS, State distributing agency, recipient agency, processor, and distributor staff in implementing some of the proposed provisions;
- The rationale behind some of the proposed provisions, including the allowable duration of some agreements required in the proposed rule;
- Whether certain entities, such as commercial entities using USDA Donated Foods in the preparation of meals, are designated as processors under the proposed rule;
- The process by which FNS establishes and disseminates the replacement value for USDA Donated Foods; and
- The method of oversight and enforcement that would be used for some of the proposed provisions including the proposed requirement for processors and distributors to enter into agreements with each other and the proposed requirement for any credit for

the sale of by-products to be passed through to the recipient agency.

Commenters also requested that USDA:

- Collect, review, and file the agreements between processors and distributors required by the proposed rule;
- Include a provision in the final rule prohibiting distributors from acting as authorized agents of recipient agencies;
- Remove the provision in the proposed rule that discourages the pooling of inventory at distributors acting as the authorized agent of recipient agencies and instead establish a requirement for each distributor to enter into an agreement with FNS that (1) outlines distributor requirements, (2) transfers title of USDA Donated Foods to distributors when foods are in their possession, and (3) requires distributors to submit a surety bond to FNS to protect the value of USDA Donated Foods in their possession; and
- Include a provision in the final rule establishing the required method of calculation of inventory levels at processors and reducing the number of months used in the calculation from 12 to 10. This calculation, including the number of months used, is currently described in a Policy Memorandum.

II. Analysis of Comments Received and Regulatory Revisions, 7 CFR Part 250

A. Definitions, § 250.2

In § 250.2 we proposed to remove, revise, and add definitions relating to processing of donated foods. We proposed to remove the definitions of ''Contracting agency'' and ''Fee-for-service.'' We proposed to replace the term ''Contracting agency'' throughout the regulation with the specific agency (*i.e.,* distributing and/or recipient agency) that may enter into a processing agreement. The meaning of the term ''Fee-for-service'' is clear in the context of the proposed regulatory provisions and no longer requires a separate definition. No comments were received on these proposed definition removals. Thus, the proposed removals are retained without change in this final rule.

We proposed to add definitions of ''Backhauling,'' ''Commingling,'' ''End product data schedule,'' ''In-State Processing Agreement,'' ''National Processing Agreement,'' ''Recipient Agency Processing Agreement,'' ''Replacement value,'' and ''State Participation Agreement.'' The definition of ''Backhauling'' would describe a means of delivery of donated food to a processor from a recipient agency's storage facility.

The definition of ''Commingling'' would describe the common storage of donated foods with commercially purchased foods.

The definition of ''End product data schedule'' would convey the important function of this document in describing the processing of donated foods into finished end products. The definitions of ''National Processing Agreement,'' ''Recipient Agency Processing Agreement,'' ''State Participation Agreement,'' and ''In-State Processing Agreement'' would help the reader understand the different types of processing agreements permitted. These processing agreements are further described in § 250.30 of this final rule. No comments were received on these proposed definition additions. Thus, the proposed definitions are retained without change in this final rule.

The definition of ''Replacement value'' would clarify the donated food value that must be used by processors to ensure compensation for donated foods lost in processing or other activities. The definition of ''Replacement value'' reflects the price in the market at the time that the Department assigns the value whereas the definition of ''Contract value'' in current regulations reflects the Department's current acquisition price, which is set annually. One commenter requested that the definition be amended to include any justifications that may be used to determine when the values will be changed and the method USDA would use to disseminate changed values. Replacement value is only changed by the Department in rare cases and only under special circumstances.

Under these special circumstances, the need to adjust the replacement value is determined on a case-by-case basis through consultation with the relevant State and local agencies. Changes are communicated directly to State and local agencies and the justifications for changes will vary significantly from case to case. Thus, the proposed definition is retained without change in this final rule.

B. Delivery and Receipt of Donated Food Shipments, § 250.11

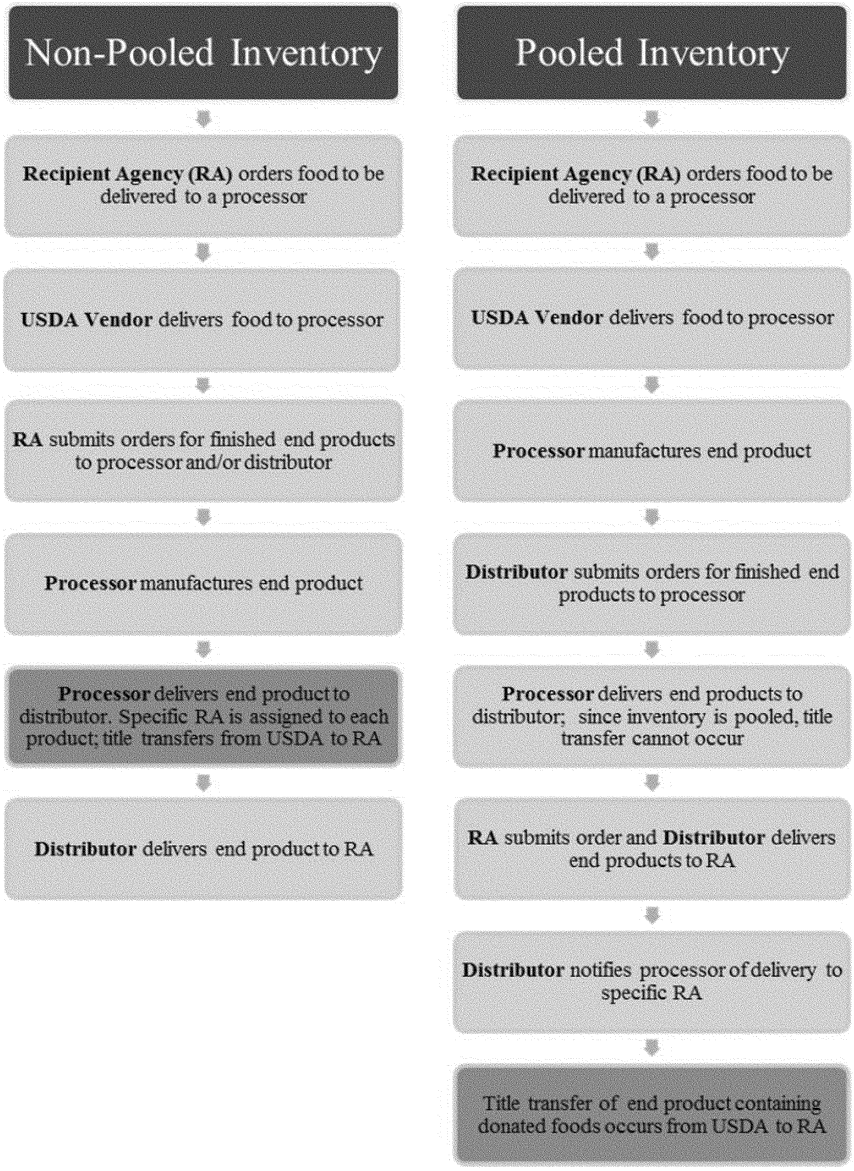
In § 250.11(e), we proposed to describe the timing of transfer of title to donated foods and the agency to which title is transferred, in accordance with the amendments made by Section 4104 of the Agricultural Act of 2014 (Pub. L. 113–79) to Section 17 of the Commodity Distribution Reform Act and WIC Amendments of 1987, 7 U.S.C. 612c note, and the requirements under National Processing Agreements in this rule. In § 250.11(e) we proposed that the title to donated foods provided to a multi-State processor, in accordance with its National Processing Agreement, transfers to the distributing or recipient agency, as appropriate, upon the acceptance of finished end products at the time and place of delivery. No comments were received on this proposed change. Thus, the proposed language is retained without change in this final rule.

In § 250.11(e), we also proposed to require that when a distributor is contracted by the recipient agency for the transportation and/or storage of finished end products and is acting as the recipient agency's authorized agent (*i.e.,* purchasing processed end products containing donated foods on behalf of the recipient agency), title of donated foods would transfer to the recipient agency upon the acceptance of finished end products at the time and place of delivery at the recipient agency, or the distributor acting as the authorized agent of the recipient agency, whichever happens first. Many recipient agencies receiving finished end products from multi-State processors contract with a distributor to store end products and/or transport the finished end products to their facilities. The inclusion of distributors in the supply chain for finished end products creates challenges related to tracking and reporting the value of donated foods. Because processors are not a party to the contractual relationship between recipient agencies and distributors, processors lose control of finished end products once they are delivered to the distributors designated by each recipient agency. Pursuant to current regulations, however, processors are required to maintain a bond for the value of those finished end products.

As a result, in situations where recipient agencies contract with a distributor to store and/or transport processed end products containing donated foods and act as their authorized agent, complications can arise that may impede the transfer of title described above. Some processors and distributors, working in this manner, manufacture and/or order some processed end products prior to receiving donated food orders from recipient agencies. This is sometimes termed ''inventory pooling'' (as illustrated below). Under current regulations, title cannot transfer to the recipient agency at the time of delivery at its contracted distributor because neither the processor nor the distributor know which recipient agency will receive which products.

The intent of § 250.11(e) is to discourage the pooling of processed end products.

Current Practice:



Many comments were received on this provision ranging from overall support to overall opposition. One commenter expressed strong support for the provision, claiming that it would increase efficiency and program integrity.

One commenter expressed support for the provision but requested clarification that title for donated foods will never transfer to the distributor but will only transfer from USDA to the recipient agency. Thirteen commenters expressed understanding of the Department's position to include the provision but requested clarifying language be included to instruct processors to closely monitor distributor transactions and reporting practices, and to label the practice as it is known, inventory pooling.

In response, we would point out that processors should always closely monitor distributor transactions and reporting practices to ensure that all parties are adhering to the requirements of 7 CFR part 250 and the processor's processing agreement. Transaction monitoring and reporting maybe outlined in the agreement between the distributor and processor required in § 250.30(i). Inventory pooling, in this context, refers to a practice employed by distributors. § 250.11(e) is focused on clarifying when title transfers, ensuring that processors know which School Food Authority (SFA) is accepting ownership of end products. Therefore, the term ''pooling'' is not referenced in the regulatory text.

One commenter acknowledged the challenges that the practice of inventory pooling creates for entities within the end product supply chain but suggested alternate methods for addressing them.

The alternate methods suggested were prohibiting distributors from acting as authorized agents of SFAs and requiring that distributors enter into agreements with FNS to furnish a surety bond for donated foods in their inventory or transfers title to donated foods to distributors while in their inventory. Current statutory provisions do not permit the transfer of title of donated foods to a distributor or a requirement for a distributor to furnish a surety bond to USDA. In addition, a regulatory change of this magnitude must be subject to public review and comment prior to being codified. Therefore, FNS is not able to implement these alternatives at this time.

Two commenters expressed strong opposition to the provision. The commenters felt that inventory pooling provided flexibility for distributors and allowed them to more easily serve recipient agencies. Similar to other commenters on this provision, the commenters felt that an alternative could be to require distributors to enter into agreements with FNS to furnish a surety bond for donated foods in their inventory. For the reasons described in the previous paragraph, this proposed alternative cannot be implemented at this time. The commenters also expressed concerns about the administrative burden associated with maintaining separate school-owned inventories for each eligible recipient agency, including individual stock keeping units (SKUs) for each end product and recipient agency. This interpretation of the intent of this provision is incorrect. FNS does not expect distributors to maintain separate physical inventories for every eligible recipient agency as the commenters describe. Doing so would be overly burdensome and would contradict the long-established concept of substitution in USDA Foods processing. However, FNS understands that this provision may require further guidance and that there may be potential benefits of establishing a different accountability mechanism for processed end products at distributors through agreements or other mechanisms. FNS will explore whether potential pilot projects could be used to test these approaches. The proposed provision is retained without change in this final rule.

C. Reporting Requirements, § 250.18

In § 250.18(b) we proposed to retain the requirement for processors to submit monthly performance reports to the distributing agency. However, we proposed to replace the reference to § 250.30(m) with § 250.37(a) as the section is being re-designated and revised. No comments were received on this proposed change. Thus, the proposed language is retained without change in this final rule.

D. Recordkeeping Requirements, § 250.19

In § 250.19(a) we proposed to amend the recordkeeping requirements for processors and instead reference specific recordkeeping requirements for processors contained in Subpart C. No comments were received on this proposed change. Thus, the proposed language is retained without change in this final rule.

E. Subpart C—Processing of Donated Foods

FNS proposed to completely revise current Subpart C of 7 CFR part 250 to more clearly present the specific processing requirements and rewrite these sections in plain language. We proposed to include the requirements for specific processing activities in the order in which they most commonly occur; *i.e.,* entering into processing agreements, processing of donated foods into end products, sale of end products, submission of reports, etc. We also proposed to change the heading of Subpart C to *Processing of Donated Foods.* Comments received on this Subpart are outlined below. The new sections proposed under the revised Subpart C include the following:

250.30 Processing of donated foods into end products.
250.31 Procurement requirements.
250.32 Protection of donated food value.
250.33 Ensuring processing yields of donated foods.
250.34 Substitution of donated foods.
250.35 Storage, food safety, quality control, and inventory management.
250.36 End product sales and crediting for the value of donated foods.
250.37 Reports, records, and reviews of processor performance.
250.38 Provisions of agreements.
250.39 Miscellaneous provisions.

1. Processing of Donated Foods Into End Products, § 250.30

In § 250.30, we proposed to state clearly why donated foods are provided to processors for processing, and we proposed to describe the different types of processing agreements permitted, including National, In-State, and Recipient Agency Processing Agreements. However, we proposed to include the specific provisions required for each type of agreement in § 250.38, as the reason for their inclusion would only be clear with an understanding of the processing requirements contained in the preceding sections.

In § 250.30(a), we proposed to describe the benefit of providing donated foods to a processor for processing into end products, and we proposed to clarify that a processor's use of a commercial facility to repackage donated foods, or to use donated foods in the preparation of meals, is also considered processing in 7 CFR part 250. Two commenters requested that this provision be amended to clarify that repackaging of USDA Donated Foods in meals that are vended to a school food authority is subject to the processing requirements in 7 CFR part 250. To clarify our intent in this final rule, the words ''A processor's'' are deleted from the last sentence of § 250.30(a) to indicate that any commercial entity's use of a commercial facility to repackage donated foods, or to use donated foods in the preparation of meals, is also considered processing in 7 CFR part 250.

Two commenters expressed concerns that considering meal vendors as processors under 7 CFR part 250 could impact competition and limit the use of USDA Donated Foods at recipient agencies contracted with meal vendors. The commenters requested that meal vendors be permitted to operate in a similar manner as Food Service Management Companies which must receive USDA Donated Foods and prepare meals at the recipient agency's facility. Meal vendors have long been considered processors under current regulations. The final rule is only clarifying an already established requirement. Thus, the proposed provision is retained without change in this final rule. We also want to clarify that SFAs providing meals containing USDA Donated Foods to another recipient agency under an intergovernmental agreement are not considered processors in this part.

In § 250.30(b), we proposed to clarify that processing of donated foods must be performed in accordance with an agreement between the processor and FNS, between the processor and the distributing agency, or, if permitted by the distributing agency, between the processor and a recipient agency (or subdistributing agency). We proposed to include in § 250.30(b) the stipulation in current § 250.30(c)(5)(ix) that an agreement may not obligate the distributing or recipient agency, or FNS, to provide donated foods to a processor for processing. We proposed to clarify that the agreements described in this section are required in addition to, not in lieu of, competitively procured contracts required in accordance with § 250.31. We proposed to revise the requirement in current § 250.30(c)(4)

that indicates which official of the processor must sign the processing agreement and more simply state in proposed § 250.30(b) that the processing agreement must be signed by an authorized individual acting for the processor. We proposed to remove the stipulation in current § 250.30(c)(1) that a processing agreement must be in standard written form. No comments were received on the proposed changes in this subsection. Thus, the proposed provision is retained without change in this final rule.

In § 250.30(c), we proposed to require that a multi-State processor enter into a National Processing Agreement with FNS to process donated foods into end products, in accordance with end product data schedules approved by FNS. We also indicated that, in the proposed § 250.32, FNS holds and manages the multi-State processor's performance bond or letter of credit to protect the value of donated food inventories under the National Processing Agreement. We indicated that FNS does not itself procure or purchase end products under such agreements, and that a multi-State processor must enter into a State Participation Agreement with the distributing agency in order to sell nationally approved end products in the State, as in the proposed § 250.30(d). No comments were received on the proposed changes in this subsection. Thus, the proposed provision is retained without change in this final rule.

In § 250.30(d), we proposed to require the distributing agency to enter into a State Participation Agreement with a multi-State processor to permit the sale of end products produced under the processor's National Processing Agreement in the State, as previously indicated. The State Participation Agreement is currently utilized in conjunction with National Processing Agreements in the demonstration project. Under the State Participation Agreement, we proposed to permit the distributing agency to select the processor's nationally approved end products for sale to eligible recipient agencies within the State or to directly purchase such end products. The processor may provide a list of such nationally approved end products in a summary end product data schedule. We also proposed to permit the distributing agency to include other processing requirements in the State Participation Agreement, such as the specific methods of end product sales permitted in the State, in accordance with the proposed § 250.36, (*e.g.,* a refund, discount, or indirect discount method of sales), or the use of labels attesting to fulfillment of meal pattern requirements in child nutrition programs. We proposed to require the distributing agency to utilize selection criteria in current § 250.30(c)(1) to select processors with which to enter into State Participation Agreements. No comments were received on State Participation Agreements overall.

However, one commenter requested that ''the marketability or acceptability of end products'' be removed from the list of selection criteria that State agencies must evaluate prior to entering into State Participation Agreements with multi-State processors. The commenter felt that the requirement was burdensome and impractical for large States. Marketability and acceptability are important factors for end products served in child nutrition programs to ensure that products are well-suited to the local market and promote the use of donated foods. The requirement to include marketability and acceptability as selection criteria is long standing, and State agencies have discretion in how they evaluate products under these criteria. Thus, the proposed provision is retained without change in this final rule.

In § 250.30(e), we proposed to clarify the distinction between master agreements and other In-State Processing Agreements and to include in this proposed section the required criteria in current § 250.30(c)(1) for distributing agencies that procure end products on behalf of recipient agencies or that limit recipient agencies' access to the procurement of specific end products through its master agreements. We proposed to require that the distributing agency enter into an In-State Processing Agreement with an in-State processor (*i.e.,* a processor which only services recipient agencies in a single State via a production facility located in the same State) to process donated foods, as currently required under the demonstration project. Under all In-State Processing Agreements, the distributing agency must approve end product data schedules submitted by the processor, hold and manage the processor's performance bond or letter of credit, and assure compliance with all processing requirements.

No comments were received on In-State Processing Agreements overall, however one commenter requested that marketability and acceptability be removed from the list selection criteria that State agencies must evaluate prior to entering into an In-State Processing Agreement with an in-State processor. As stated above, marketability and acceptability are important factors for end products served in child nutrition programs and the requirement to include them as a selection criteria is long standing. One commenter also requested that additional detail be included instructing State agencies on how to calculate bond and letter of credit levels for in-State processors. As proposed, § 250.30(e), provides State agencies with the flexibility to set bond and letter of credit levels to reflect State laws and the status of their State's processing market. However, FNS recognizes that State agencies may benefit from further guidance and will explore whether policy guidance can be used to aid States on this matter. Thus, the proposed provision is retained without change in this final rule.

In § 250.30(f), we proposed to allow distributing agencies to permit recipient agencies (or subdistributing agencies) to enter into agreements with processors to process donated foods and to purchase the finished end products. These agreements are referred to as Recipient Agency Processing Agreements. We also proposed to clarify that, under such agreements, the distributing agency may also delegate oversight and monitoring to the recipient agency to approve end product data schedules or select nationally approved end product data schedules, review processor performance reports, manage the performance bond or letter of credit of an in-State processor, and monitor other processing activities. All such activities must be performed in accordance with the requirements of this part. We proposed to clarify that a recipient agency may also enter into a Recipient Agency Processing Agreement, and perform the activities described above, on behalf of other recipient agencies, in accordance with an agreement between the parties (such as in a school cooperative). We proposed to require the recipient agency to utilize selection criteria in current § 250.30(c)(1) to select processors with which to enter into Recipient Agency Processing Agreements. The distributing agency must approve all Recipient Agency Processing Agreements. No comments were received on this proposed provision. Thus, the proposed language is retained without change in this final rule.

In § 250.30(g), we proposed to retain the requirement that distributing agencies must test end products with recipient agencies prior to entering into processing agreements, to ensure that they will be acceptable to recipient agencies. We proposed to clarify that the requirements only apply to distributing agencies that procure end products on behalf of recipient agencies or otherwise limit recipient agencies' access to the

procurement of specific end products, and we proposed to clarify that the distributing agency may permit recipient agencies to test end products. We also proposed to amend the current requirement that the distributing agency develop a system to monitor product acceptability on a periodic basis by requiring instead that the distributing agency, or its recipient agencies, must monitor product acceptability on an ongoing basis. No comments were received on this proposed provision. Thus, the proposed language is retained without change in this final rule.

In § 250.30(h), we proposed that a processor may not assign any processing activities under its processing agreement, or subcontract with another entity to perform any aspect of processing, without the written consent of the other party to the agreement, which may be the distributing, subdistributing, or recipient agency, or FNS. We proposed to permit the distributing agency to provide the required written consent as part of its State Participation Agreement or In-State Processing Agreement with the processor. One commenter requested that we require distributing agencies to approve of subcontractors in its State Participation Agreement with the processor. The National Processing Agreement requires subcontractor agreements but States should have flexibility in how they provide written consent for subcontracting. Thus, the proposed language is retained without change in this final rule.

In § 250.30(i), we proposed to require agreements between processors and distributors. We proposed that the agreement, initiated by the processor before releasing finished end products to a distributor, must reference, at a minimum, the financial liability (*i.e.,* who must pay) for the replacement value of donated foods, not less than monthly end product sales reporting frequency, requirements under § 250.11, and the applicable value pass through system to ensure that the value of donated foods and finished end products are properly credited to recipient agencies. We also proposed that distributing agencies could set additional requirements such as requiring that copies or templates of these agreements be included with the submission of signed State Participation Agreements. Many comments were received on this provision.

One commenter noted strong support for this provision overall, but requested that clarifying language be added to the provision to prescribe that financial liability for donated foods in the agreement is assigned to the party that caused a loss or negative balance to occur. These agreements are designed to allow processors and distributors to draft an agreement that mutually protects each of their interests, including financial liability. FNS will not be a party to these agreements and does not want to dictate, in regulations, the structure of specific provisions for all situations that the parties may encounter. Therefore, this language will not be included in the final rule. However, FNS will explore whether further policy guidance on this matter is needed. The commenter also requested that provisions be added to specifically address distributors, including requiring written agreements between a distributor and FNS that covers liability, reporting, and delivery requirements. FNS does not maintain a direct relationship with distributors. Therefore, this language will not be included in the final rule.

Fourteen commenters noted support for the provision but requested that we add a requirement that agreements between processors and distributors must be submitted to FNS for review and record keeping. FNS will not be a party to these agreements and is not in a position to evaluate if individual agreements are appropriate. States will also not be required to review or collect these agreements. However, we agree with the importance of having an oversight mechanism in place to ensure that the agreements are in place as required. Verification of these agreements will be required as part of the audits that processors must obtain under current requirements at § 250.20(b). Moreover, requiring processors to submit these agreements to FNS for review and record keeping would impose an additional information collection burden. Such a provision would require a separate rule and would be subject to public comment. Therefore, this language will not be included in the final rule.

One commenter noted support for the provision but requested that agreements between processors and distributors be made permanent. Under the proposal, the duration of these agreements is up to the specific processor and distributor in the agreement. If both parties agree, the agreement could be permanent. Therefore, no change is being made in the final rule. The commenter also requested that the required reporting frequency in the agreement be increased from the proposed ''not less than monthly'' to ''not more than five calendar days.'' The commenter felt that the more frequent reporting would improve coordination between the processor and distributor and allow the processor to be more timely with the monthly performance reports. Improvements in technology are allowing many distributors to report end product sales to processors much more frequently than monthly. This is a positive trend which FNS supports insofar as it should result in improved transparency and coordination. However, not all distributors are currently capable of meeting that requirement. Therefore, this language will not be included in the final rule.

Two commenters were opposed to requiring agreements between processors and distributors. One of these commenters noted that some of the required topics in the agreements, such as financial liability, reporting frequency, and value pass through method are already the responsibility of the processor via the National Processing Agreement or regulations and that that may diminish the usefulness of the agreements between processors and distributors. This commenter also stated a concern that State agencies may create additional burdensome requirements for these agreements that may discourage processor and distributor participation. The required topics are only intended to be a starting point. Processors and distributors may include additional provisions that more accurately reflect their interests or business model. State agencies must be able to add requirements to reflect State laws or the status of the market within their State. The second of these commenters requested that agreements between processors and distributors be encouraged as opposed to required. Requiring these agreements will ensure more communication, transparency, and cooperation between processors and distributors. This provision was widely supported in other comments. Thus, the proposed language is retained without change in this final rule.

In § 250.30(j), we proposed to permit all agreements between a distributing, subdistributing, or recipient agency and a processor to be up to five years in duration, as opposed to the current one year limit with an option to extend for two additional years. This proposal would permit the appropriate agency to determine the length of agreement that would be to its best advantage, within the five-year limitation, and would reduce the time and labor burden imposed on such agencies. We proposed to make National Processing Agreements permanent. We proposed that amendments to any agreements may be made as needed (*e.g.,* when new subcontractors are added), with the concurrence of the parties to the

agreement, and that such amendments would be effective for the duration of the agreement, unless otherwise indicated.

One commenter requested that all agreements, including the State Participation, In-State Processing, and Recipient Agency Processing Agreements are made permanent. In-State and Recipient Agency Processing Agreements are sometimes subject to frequent updates and are often executed in conjunction with a procurement action. Therefore, the proposed five year duration limit is retained in this final rule for In-State and Recipient Agency Processing Agreements. However, State Participation Agreements are designed to allow State agencies to supplement requirements in the National Processing Agreement for multi-State processors. Therefore, the final rule is amended to allow State agencies to make their State Participation Agreements permanent. Amendments to State Participation Agreements should still be made when needed, for example, to approve subcontractors arrangements or approve end products to be sold in the State.

We proposed to remove the following requirements or statements in current § 250.30 related to processing agreements, as they are overly restrictive or unnecessary given current practice and administrative structure:

- The requirement in current § 250.30(c)(1) that the FNS Regional Office review processing agreements.
- The requirement in current § 250.30(c)(3) that the agreement be prepared and reviewed by State legal staff to ensure conformance with Federal regulations.
- The requirement in current § 250.30(l) that the distributing agency provide a copy of the 7 CFR part 250 regulations to processors and a copy of agreements to processors and the FNS Regional Office.

No comments were received on these proposed removals. Thus, the proposed removals are retained without change in this final rule.

2. Procurement Requirements, § 250.31

The requirements for the procurement of goods and services under Federal grants are established in 2 CFR part 200 and USDA implementing regulations at 2 CFR part 400 and part 416, as applicable. In § 250.31(a), we proposed to indicate the applicability of these requirements to the procurement of processed end products, distribution, or of other processing services related to donated foods. We also proposed that distributing or recipient agencies may use procurement procedures that conform to applicable State and local laws, as appropriate, but must ensure compliance with the Federal procurement requirements. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.31(b), we proposed to require specific information in procurement documents, to assist recipient agencies in ensuring that they receive credit for the value of donated foods in finished end products. We proposed to require that procurement documents include the price to be charged for the finished end product or other processing service, the method of end product sales that would be utilized, an assurance that crediting for donated foods would be performed in accordance with the applicable requirements for such method of sales in proposed § 250.36, the contract value of the donated food in the finished end products, and the location for the delivery of the finished end products. We proposed to remove current requirements for the provision of pricing information outside of the procurement process, including:

(1) The requirement in current § 250.30(c)(5)(ii) that pricing information be included with the end product data schedule; and

(2) The requirements in current § 250.30(d)(3) and (e)(2) that the processor provide pricing information summaries to the distributing agency, and the distributing agency provide such information to recipient agencies, as soon as possible after completion of the agreement.

One commenter requested clarification on the applicability of these requirements to subsequent procurements conducted by a distributor acting as a recipient agency's authorized agent. The information required in procurement documents in this provision apply to all procurements for end products containing donated foods, regardless of who performed the procurement. The commenter also requested clarification that the requirement to include the value of the donated food in the end products in procurement documents does not remove the requirement to include the value of the donated food in the end products on the end product data schedule. This reflects an incorrect understanding of current requirements. The value of donated foods is no longer required on end product data schedules. Including the value on the end product data schedule would require it to be revised with every change in value. However, FNS publishes summary end product data schedules which include the value of donated food for each end product. The summary end product data schedules can be used to confirm the accuracy of the value of donated food listed in the procurement documents. Thus, the proposed language is retained without change in this final rule.

3. Protection of Donated Food Value, § 250.32

In § 250.32(a), we proposed to include the requirement that the processor obtain financial protection to protect the value of donated foods prior to their delivery for processing, by means of a performance bond or irrevocable letter of credit. We proposed to remove escrow accounts as an option for financial protection. Multi-State processors must provide the performance bond or irrevocable letter of credit to FNS, in accordance with its National Processing Agreement. We proposed to clarify that the amount of the performance bond or letter of credit must be sufficient to cover at least 75 percent of the value of donated foods in the processor's physical or book inventory, as determined annually, and at the discretion of FNS, for processors under National Processing Agreements. For multi-State processors in their first year of participation in the processing program, the amount of the performance bond or letter of credit must be sufficient to cover 100 percent of the value of donated foods, as determined annually, and at the discretion of FNS. In-State processors must provide the performance bond or letter of credit to the distributing or recipient agency, in accordance with its In-State or Recipient Agency Processing Agreement. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.32(b), we proposed to indicate the conditions under which the distributing or recipient agency must call in the performance bond or letter of credit. We also proposed to indicate that FNS would call in the performance bond or letter of credit under the same conditions and would ensure that any monies recovered by FNS are reimbursed to distributing agencies for losses of entitlement foods. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

4. Ensuring Processing Yields of Donated Foods, § 250.33

In § 250.33, we proposed to retain the required submission of the end product data schedule and to more specifically describe the required processing yields of donated food, which is currently

referred to as the yield. In § 250.33(a), we proposed to require submission of the currently required information on the end product data schedule, with the exception of the price charged for the end product or other pricing information and the contract value of the donated food. As described above, in the proposed § 250.31, pricing information must be included in the procurement of end products or other processing services relating to donated foods. Inclusion of such information on end product data schedules may be misleading, as it may lead some recipient agencies to conclude that a competitive procurement has been performed by the distributing agency under its In-State Processing Agreement or State Participation Agreement. Prices currently included on end product data schedules generally reflect the highest price that a processor would charge for the finished end product and not necessarily the actual price of the end product.

We also proposed to require inclusion of the processing yield of donated food, which may be expressed as the quantity of donated food (pounds) needed to produce a specific quantity of end product or as the percentage of donated food returned in the finished end product. We proposed to retain the requirement that end product data schedules be approved by the distributing agency under In-State Processing Agreements. We proposed to clarify that the end product data schedules for products containing donated red meat or poultry must also be approved by the Department, as is currently required under program policy. We proposed to require that, under National Processing Agreements, end product data schedules be approved by the Department. Lastly, we proposed to clarify that an end product data schedule must be submitted in a standard electronic format dictated by FNS, and approved for each new end product that a processor wishes to provide or for a previously approved end product in which the ingredients or other pertinent information have been altered. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.33(b), we proposed to describe the different processing yields of donated foods that may be approved in end product data schedules. In an effort to simplify the yield requirements and streamline monitoring for distributing and recipient agencies we proposed to limit the processing yields to 100 percent yield, guaranteed yield, and standard yield. In § 250.33(b)(1), we proposed to include the current 100 percent yield requirement. We proposed to indicate that FNS may make exceptions to the 100 percent yield requirement, on a case-by-case basis. Exceptions to the 100 percent yield requirement can result in one of the alternate processing yields described below. Two commenters expressed support for the removal of guaranteed minimum yield. Thus, the proposed language is retained without change in this final rule.

In § 250.33(b)(2), we proposed to describe guaranteed yield. Under guaranteed yield, the processor must ensure that a specific quantity of end product would be produced from a specific quantity of donated food put into production. The guaranteed yield for a specific product is determined and agreed upon by the parties to the processing agreement, and, for In-State and Recipient Agency Processing Agreements, approved by the Department. Guaranteed yield is generally used when significant variance is present across processors in manufacturing and yield for a particular end product. The guaranteed yield must be indicated on the end product data schedule. One commenter requested clarification that a specific quantity of end product is tracked or reported as pounds of donated food per case of end product. This is correct. Thus, the final rule is amended to clarify.

In § 250.33(b)(3), we proposed to describe standard yield. Under standard yield, the processor must ensure that a specific quantity of end product, as determined by the Department, would be produced from a specific quantity of donated food. The standard yield is determined and applied uniformly by the Department to all processors for specific donated foods. The established standard yield is higher than the average yield under normal commercial production and serves to reward those processors that can process donated foods most efficiently. If necessary, the processor must use commercially purchased food of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food to provide the number of cases required to meet the standard yield to the distributing or recipient agency, as appropriate. The standard yield must be indicated on the end product data schedule. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.33(c), we proposed to require that the processor compensate the distributing or recipient agency, as appropriate, for the loss of donated foods, or for commercially purchased foods substituted for donated foods. Loss of donated foods may result for a number of reasons, including the processor's failure to meet the required processing yield or failure to produce end products that meet required specifications, spoilage or damage of donated foods in storage, or improper distribution of end products. In order to compensate for such losses of donated foods, we proposed to require that the processor:

(1) Replace the lost donated food or commercial substitute with commercially purchased food of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food; or

(2) Return end products that are wholesome but do not meet required specifications to production for processing into the requisite quantity of end products that meet the required specifications; or

(3) Pay the distributing or recipient agency, as appropriate, for the replacement value of the donated food or commercial substitute only if the purchase of replacement foods is not feasible and the processor has received approval. In-State processors would be required to obtain distributing agency approval for such payment and multi-State processors would be required to obtain FNS approval.

No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.33(d), we proposed to retain the requirement that processors must credit the distributing or recipient agency, as appropriate, for the sale of any by-products resulting from the processing of donated foods or of commercially purchased foods substituted for donated foods. However, we proposed to require crediting through invoice reductions or another means of crediting. We also proposed to clarify that the processor must credit the appropriate agency for the net value received from the sale of by-products after subtraction of any documented expenses incurred in preparing the by-product for sale. We proposed to remove the requirement in current § 250.30(c)(5)(viii)(D) that the processor credit the distributing or recipient agency for the sale of donated food containers because the burden required to monitor the credit outweighed the value returned. One commenter requested clarification on the method of oversight to ensure that distributing or recipient agencies are credited for the

sale of by-products by processors. Verification that appropriate credits for the sale of by-products have occurred is required as part of the audits required of processors under current requirements at § 250.20(b). Thus, the proposed language is retained without change in this final rule.

In § 250.33(e), we proposed to retain the requirements that processors must meet applicable Federal labeling requirements, and must follow the procedures required for approval of labels for end products that claim to meet meal pattern requirements in child nutrition programs. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

5. Substitution of Donated Foods, § 250.34

In § 250.34(a), we proposed to permit a processor to substitute any donated food that is delivered to it from a USDA vendor with commercially purchased food of the same generic identity, of U.S. origin, and of equal or better quality in all Departmental purchase specifications than the donated food. We proposed to clarify that commercially purchased beef, pork or poultry must meet the same specifications as donated product, including inspection, grading, testing, and humane handling standards, and must be approved by the Department in advance of substitution. We proposed to remove the required elements of a processor's plan for poultry substitution in current § 250.30(f)(1)(ii)(B). We also proposed to allow a processor the option to substitute any donated food in advance of the receipt of the donated food shipment and to more clearly describe the processor's assumption of risk should the Department be unable to purchase and deliver any donated food so substituted. Lastly, we proposed to require that commercially purchased food substituted for donated food meet the same processing yield requirements that would be required for the donated food, as in the proposed § 250.33. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.34(b), we proposed to prohibit substitution or commingling of all backhauled donated foods and to require that the processor, if amenable to reformulation, process such end products into end products for sale and delivery to the same recipient agency that provided them and not to any other recipient agency. In other words, the recipient agency which backhauls a previously processed end product to a processor for reformulation must in turn use the reformulated end products, containing their backhauled product, in their food service. Additionally, we proposed to prohibit the processor from providing payment to the recipient agency in lieu of processing and prohibit the distributing or recipient agency from transferring the backhauled food to another processor. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.34(c), we proposed to retain current requirements at § 250.30(g), which state that the processing of donated beef, pork and poultry must occur under Federal Quality Assessment Division grading in order to assure that substitution and yield requirements are met and that end products conform with the applicable end product data schedule. The Department's Agricultural Marketing Service conducts such grading. The processor is responsible for paying the cost of the acceptance service grading. The processor must maintain records (including grading certificates) necessary to document that substitution of all donated foods has been conducted in accordance with the requirements in 7 CFR part 250. One commenter expressed that the financial burden of grading can be overwhelming for small processors. FNS recognizes that the cost of grading requirements is not insignificant to small processors. However, grading requirements are important for ensuring that Federal regulations are adhered to. Further, small processors are typically in-State processors and not multi-State processors and, when circumstances warrant it, State distributing agencies can waive grading requirements under In-State and Recipient Agency Processing Agreements, according to proposed § 250.34(d). Thus, the proposed language is retained without change in this final rule.

In § 250.34(d), we proposed to permit distributing agencies to approve a waiver of the grading requirement for donated beef, pork, or poultry under certain conditions. However, we proposed to indicate that such waivers may only be approved on a case by case basis—*e.g.,* for a specific production run. The distributing agency may not approve a blanket waiver of the requirement. We also included the stipulation that a waiver may only be approved if the processor's past performance indicates that the quality of the end product would not be adversely affected. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.34(e), we proposed to include the current provision that the processor may use any substituted donated food in other processing activities conducted at its facilities. We proposed to remove the stipulation, in current § 250.30(f)(4), that title to the substituted donated food passes to the processor upon the initiation of processing of the end product with the commercial substitute. The transfer of title to donated foods, which are part of the Federal grant, is limited to the distributing agency or recipient agency, as the recipients of the grant. Subsequent donated food activities may be performed in accordance with Federal regulations and the terms of processing agreements but would not include a further transfer of title. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

6. Storage, Food Safety, Quality Control, and Inventory Management, § 250.35

In § 250.35, we proposed to include requirements for the storage, food safety oversight, quality control, and inventory management of donated foods provided for processing. In § 250.35(a), we proposed to require the processor to ensure the safe and effective storage of donated foods, including compliance with the general storage requirements in current § 250.12, and to maintain an effective quality control system at its processing facilities. We proposed to require the processor to maintain documentation to verify the effectiveness of its quality control system and to provide such documentation upon request. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.35(b), we proposed to require that all processing of donated foods is conducted in compliance with all Federal, State, and local requirements relative to food safety. This represents a simplification of current regulations. One commenter requested that the Agricultural Marketing Service (AMS) be explicitly listed along with Federal, State, and local requirements. AMS is only one of many Federal agencies with pertinent requirements that would be included in this list and applicable requirements will vary from processor to processor depending on the type of product produced, among other factors. Thus, the proposed language is retained without change in this final rule.

In § 250.35(c), we proposed to clarify that a processor may commingle

donated foods and commercially purchased foods, unless the processing agreement specifically stipulates that the donated foods must be used in processing, and not substituted, or the donated foods have been backhauled from a recipient agency. However, such commingling must be performed in a manner that ensures the safe and efficient use of donated foods, as well as compliance with substitution requirements, and with reporting of donated food inventories on performance reports, as required in 7 CFR part 250.

We also proposed to require that processors ensure that commingling of finished end products with other food products by distributors results in the sale to recipient agencies of end products that meet substitution requirements. One way that this may be achieved is by affixing the applicable USDA certification stamp to the exterior shipping containers of such end products. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.35(d), we proposed to include the current limitation on inventories of donated foods at a processor and to clarify that distributing agencies are not permitted to submit food orders for processors reporting no sales activity during the prior year's contract period unless documentation is submitted by the processor which outlines specific plans for donated food drawdown, product promotion, or sales expansion. A processor may not have on hand more than a six-month supply of donated foods, based on an average amount utilized for that period. However, the distributing agency may, at the processor's request, provide written approval to allow the processor to maintain a larger amount of donated foods in inventory if it determines that the processor may efficiently store and process such an amount. We also proposed to include an allowance for FNS to require an inventory transfer to another State distributing agency or processor when inventories are determined to be excessive for a State distributing agency or processor, *i.e.,* more than six months on-hand or exceeding the established inventory protection, to ensure full utilization prior to the end of the school year.

Many comments were received on this provision. One commenter requested clarification that the inventory limit was not based on the average usage over a six-month period. That is correct. The inventory limit is intended to be based on average usage for the year being evaluated. Thus, the final rule is amended to clarify.

One commenter expressed concern that including a provision allowing FNS to transfer inventories to another State distributing agency or processor when inventories are determined to be excessive for a State distributing agency or processor will prevent a distributing agency from providing justification that accounts for the overage. This is not the intent of the proposed provision. Consistent with inventory transfers generally, inventory transfers due to excessive inventories will only occur after consultation with all the involved parties. The commenter also inquired whether advancements in technology and improvements in the Department's business practices will eventually eliminate the need for the six-month inventory limit. The Department consistently endeavors to improve our service and the technology with which stakeholders interface. However, elimination of the current inventory limits is not currently proposed. Thus, the proposed language is retained without change in this final rule

One commenter requested that the six-month inventory limit be eliminated and that an annual three-month inventory carryover limit be imposed. Such a provision would require a separate rule and would be subject to public comment. Therefore, this language will not be included in the final rule.

Fourteen commenters requested that language be included in this provision to establish the method by which the six-month inventory level is calculated. Additionally, the commenters requested that average monthly usage, which is used to determine the six-month inventory limit, be calculated using a ten month period as opposed to a twelve month period. The commenters felt that a ten month period more accurately reflects the average school year and the period during which products are delivered. Although the six-month inventory limit is contained in current regulations, the method by which it is calculated is prescribed in a Policy Memorandum (FD–064; dated March 20, 2012). FNS will consider the position of the commenters and determine whether to issue program policy to reflect this change. Thus, the proposed language is retained without change in this final rule.

In § 250.35(e), we proposed to clarify that the distributing agency may permit the processor to carry over donated foods in excess of allowed levels into the next year of its agreement, if the distributing agency determines that the processor may efficiently process such foods. We also proposed to include the distributing agency's current option to direct the processor to transfer or re-donate such donated foods to another distributing or recipient agency or processor. Lastly, we proposed to clarify that, if these options are not practical, the distributing agency must require the processor to pay for the donated foods held in excess of allowed levels in an amount equal to the replacement value of the donated foods. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.35(f), we proposed to expand the current options for the disposition of substitutable donated foods at the termination of an agreement to all donated foods, in accordance with our proposal in the proposed § 250.34 to permit substitution of all donated foods. We proposed to clarify that the disposition of donated foods may include a transfer; *i.e.,* the distributing agency may permit a transfer of donated foods to another State distributing agency, with FNS approval, in accordance with current § 250.12(e). We also proposed to permit the transfer of commercially purchased foods that meet the substitution requirements in the proposed § 250.34 in place of the donated foods. We proposed to permit the processor to pay the distributing or recipient agency, as appropriate, for the donated foods only if returning or transferring the donated foods or commercially purchasing food that meets the substitution requirements is not feasible and if FNS approval has been granted. We proposed to include the current requirement that the processor pay the cost of transporting any donated foods when the agreement is terminated at the processor's request or as a result of the processor's failure to comply with the requirements of 7 CFR part 250. One commenter requested that the higher value not be used between the contract value and replacement value when processors pay the distributing or recipient agency under § 250.35(f)(3). However, FNS wants to ensure that distributing and recipient agencies are made whole in these situations. Thus, the proposed language is retained without change in this final rule.

7. End Product Sales and Crediting for the Value of Donated Foods, § 250.36

In § 250.36, we proposed to describe the methods of end product sales. A processor must sell end products to recipient agencies under a system that assures such agencies receive credit or ''value pass through'' for the contract value of donated food contained in the

end product. Processors must also ensure that, when end products are provided to commercial distributors for sale and delivery to recipient agencies, such sales occur under a system that provides such agencies with a credit for the contract value of donated food contained in the end product. In § 250.36(a), we proposed to require that the sales of end products, either directly by the processor or through a commercial distributor, be performed utilizing one of the methods of end product sales contained in this section, to ensure that the distributing or recipient agency, as appropriate, receives credit for the value of donated foods contained in end products. We also proposed to require that all systems of sales utilized must provide clear documentation of crediting for the value of the donated foods contained in the end products. One commenter requested that language be added to this provision that clarifies that method of end product sales is synonymous with value pass through system. Thus, the final rule is amended to clarify.

In § 250.36(b), we proposed to permit end product sales through a refund or rebate system, in which the processor or distributor sells end products to the distributing or recipient agency, as appropriate, at the commercial or gross price, and provides the appropriate agency with a refund for the contract value of donated foods contained in the end products. We proposed to require the processor to remit the refund to the distributing or recipient agency, as appropriate, within 30 days of receiving a request for a refund from the appropriate agency. We proposed to clarify that the refund request must be in writing but may be transmitted via email or other electronic means. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.36(c), we proposed to permit end product sales through a discount system, in which the processor sells end products at a net price that provides a discount from the commercial case price for the value of the donated foods contained in the end products. We proposed to refer to this system as a direct discount system to distinguish it from the method of end product sales described in the following paragraph. One commenter requested that the word ''provides'' be replaced with ''incorporates'' to clarify the provision. Thus, the final rule is amended to clarify.

In § 250.36(d), we proposed to permit end product sales through a net price that provides a discount from the commercial case price for the value of the donated foods contained in the end products. The processor then compensates the distributor for the discount provided for the value of the donated food in its sale of end products. We proposed to refer to it as an indirect discount system. We proposed to require the processor to ensure that the distributor notify it of such sales, at least on a monthly basis, through automated sales reports or other submissions. Fifteen commenters requested that the term ''net off invoice'' be incorporated into the provision to refer to the practice as it is commonly known. Thus, the final rule is amended to clarify. Twelve commenters requested that language be included in the provision to encourage recipient agencies to closely monitor invoices to ensure correct discounts are applied. Thus, the final rule is amended to clarify. One commenter requested that the word ''provides'' be replaced with ''incorporates'' to clarify the provision. Thus, the final rule is amended to clarify. One commenter requested that the frequency at which distributors must report end product sales to processors be increased from at least monthly to weekly. Not all distributors are currently capable of meeting that requirement. Moreover, such a provision would require a separate rule and would be subject to public comment. Therefore, this language will not be included in the final rule.

In § 250.36(e), we proposed to permit end product sales through a fee-for-service system, which includes all costs to produce the end product minus the value of the donated food put into production. The processor must identify any charge for delivery of end products separately from the fee-for-service on its invoice. One commenter requested clarification on how a processor would know a distributor's delivery charge in order to identify it separately on its invoice. If the delivery charge is listed on the processor's invoice, the processor may have procured the services of the distributor to store and/or deliver the product to the recipient. Therefore, the delivery charge would be known by the processor. If the processor did not procure the services of the distributor, the processor can request that the distributor directly bill the recipient agency for the distributor's services. Thus, the proposed language is retained without change in this final rule. Thirteen commenters requested that this provision be expanded to identify three distinct variations of fee-for-service. The commenters' preferred breakdown is: (1) Direct shipment and invoicing from the processor to the recipient agency; (2) Fee-for-service through a distributor, where the processor ships multiple pallets of product to a distributor with a breakout of who owns what products; and (3) What is commonly known as Modified Fee-for-service, when the recipient agency has an authorized agent bill them for the total case price. Thus, the final rule is amended to clarify.

In § 250.36(f), we proposed that the processor and distributor may sell end products to the distributing or recipient agency under an alternate method of end product sales that is approved by FNS and the distributing agency. Such alternate methods of sale must ensure that the distributing or recipient agency, as appropriate, receives credit for the value of donated foods contained in the end products. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.36(g), we proposed to clarify that the contract value of the donated foods must be used in crediting for donated foods in end product sales and to refer to the definition of contract value included in current § 250.2. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.36(h), we proposed to require that the distributing agency provide the processor with a list of recipient agencies eligible to purchase end products along with the quantity of raw donated food that is to be delivered to the processor for processing on behalf of each recipient agency. This is intended to ensure that only eligible recipient agencies receive end products and that those end products are received only in the amounts for which they are eligible. For end products sold through distributors, we proposed to require that the processor provide the distributor with a list of eligible recipient agencies and either the quantities of approved end products that each recipient agency is eligible to receive or the quantity of donated food allocated to each recipient agency along with the raw donated food (pounds or cases) needed per case of each approved end product. One commenter expressed concern that this provision has the potential for abuse by processors because it may provide them with information that can be used for marketing and that it may impact deliveries for direct delivery donated foods. Processors and distributors must know which recipient agencies are eligible to receive end products containing donated foods to ensure that only eligible recipient agencies receive

such products. FNS believes that processors will use this provision to promote the use of processed end products by recipient agencies but not to a degree that could be seen as abuse. Thus, the proposed language is retained without change in this final rule.

8. Reports, Records, and Reviews of Processor Performance, § 250.37

In § 250.37, we proposed to include the reporting and recordkeeping requirements for the processing of donated foods, and the use of such reports and records to review processor performance. In current § 250.30(m), the processor must submit a monthly performance report to the distributing agency, including the following information for the reporting period, with year-to-date totals:

(1) A list of all eligible recipient agencies receiving end products;

(2) The quantity of donated foods on hand at the beginning of the reporting period;

(3) The quantity of donated foods received;

(4) The quantity of donated foods transferred to the processor from another entity, or transferred by the processor to another entity;

(5) The quantity of end products delivered to each eligible recipient agency; and

(6) The quantity of donated foods remaining at the end of the reporting period.

In § 250.37(a), we proposed to retain the requirement that the processor submit the performance report to the distributing agency (or to the recipient agency, in accordance with a Recipient Agency Processing Agreement) on a monthly basis. We proposed to retain all of the currently required information in the report. We proposed to require the processor to also include quantities of donated food losses, and grading certificates and other documentation, as requested by the distributing agency, to support the information included in the performance reports. Such documentation may include, for example, bills of lading, invoices or copies of refund payments to verify sales and delivery of end products to recipient agencies. We proposed to retain the current deadlines for the submission of performance reports in the proposed § 250.37(a). Twelve commenters requested that the additional month for reporting year-end transactions be removed from the provision. The commenters felt that the advanced tracking methods instituted with improved technology permits processors to complete the necessary tasks without additional time and that this will assist state agencies in expediting the analysis of processor inventory. Thus, the final rule is amended accordingly. The commenters also requested clarification that a processor can stop reporting on a given USDA Food to a state agency for products with a beginning balance of zero and by which there have been no receipts, adjustments, or shipments of end products for that USDA Foods code. This is a correct interpretation. FNS will explore policy guidance to provide clarification on this issue.

In § 250.37(b), we proposed to require that the processor must include reductions in donated food inventories on monthly performance reports only after sales of end products have been made or after sales of end products through distributors have been documented. We proposed to require that, when a distributor sells end products under a refund system, such documentation must be through the distributing or recipient agency's request for a refund (under a refund system) or through the distributor's automated sales reports or other electronic or written submission (under an indirect discount system or under fee-for-service). No comments were received on this provision. However, FNS received many comments on the proposed provision at § 250.11(e) and language was included in § 250.37(b) of this final rule to clarify the impact of that provision.

In § 250.37(c), we proposed to require that a multi-State processor submit a summary performance report to FNS, on a monthly basis and in a standard format established by FNS, containing information from the performance report that would allow FNS to track the processor's total and State-by-State donated food inventories. The purpose of this report is to assess the amount of the performance bond or letter of credit required of the processor under its National Processing Agreement. However, each distributing agency would still be responsible for monitoring the multi-State processor's inventory of donated foods received for processing in the respective State, in accordance with the proposed § 250.37(a). No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.37(d), we proposed to require processors to maintain specific records to demonstrate compliance with processing requirements in 7 CFR part 250, including, for example, assurance of receipt of donated food shipments, production, sale, and delivery of end products, and crediting for donated foods contained in end products. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.37(e), we proposed to require distributing agencies to maintain specific records to demonstrate compliance with processing requirements in 7 CFR part 250, including, for example, end product data schedules, performance reports, copies of audits, and documentation of the correction of any deficiencies identified in such audits. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.37(f), we proposed to require that recipient agencies maintain specific records to demonstrate compliance with processing requirements in 7 CFR part 250, including, for example, the receipt of end products purchased from processors or distributors, crediting for the value of donated foods included in end products, and procurement documents. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.37(g), we proposed to clarify the review requirements for the distributing agency including the review of performance reports to ensure that the processor:

(1) Receives donated food shipments, as applicable;

(2) Delivers end products to eligible recipient agencies, in the types and quantities for which they are eligible;

(3) Meets the required processing yields for donated foods; and

(4) Accurately reports donated food inventory activity and maintains inventories within approved levels.

No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

We proposed to remove the requirements in current § 250.30(m)(2) and (n)(2) relating to the submission of reports and the performance of reviews to ensure that substitution of concentrated skim milk for donated nonfat dry milk is in compliance with requirements. Donated nonfat dry milk is no longer available for donation to schools. No comments were received on this removal. Thus, the proposed removal is retained without change in this final rule.

9. Provisions of Agreements, § 250.38

In § 250.38, we proposed the required provisions for each type of processing agreement included in the proposed § 250.30, to ensure compliance with the

requirements in 7 CFR part 250. In § 250.38(a), we proposed to establish that the National Processing Agreement is inclusive of all provisions necessary to ensure that a multi-State processor complies with all applicable requirements relating to the processing of donated foods. FNS has developed a prototype National Processing Agreement that includes all such required provisions. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.38(b), we proposed to require that the State Participation Agreement with a multi-State processor contain specific provisions or attachments to assure compliance with requirements in 7 CFR part 250 that are not included in the multi-State processor's National Processing Agreement. Such provisions include, for example, a list of recipient agencies eligible to receive end products, summary end product data schedules that contain a list of end products that may be sold in the State, a requirement that processors enter into a written agreement with distributors handling end products containing donated foods, and the allowed method(s) of end product sales implemented by the distributing agency. One commenter requested clarification that physical processor to processor transfers are not included in the term backhauled in § 250.38(b)(5). The commenter is correct that physical processor to processor transfers are not included in the term backhaul. The term backhauling is defined in the proposed § 250.2 to only include distributing or recipient agency origin. Thus, the proposed language is retained without change in this final rule.

In § 250.38(c), we proposed to require that the In-State Processing Agreement contain specific provisions or attachments to assure compliance with requirements in 7 CFR part 250, including assurance that the processor will meet processing yields for donated foods and substitution requirements, report donated food inventory activity and maintain inventories within approved levels, enter into a written agreement with distributors handling end products containing donated foods, credit recipient agencies for the value of all donated foods contained in end products, and obtain required audits. One commenter requested clarification on which party is responsible for holding the bond or irrevocable letter of credit for donated foods at the subcontractor of an in-State processor under the proposed § 250.38(c)(4). The distributing agency has discretion under an In-State Processing Agreement, including discretion in determining which party holds the bond or irrevocable letter of credit for donated foods at the subcontractor of an in-State processor. Thus, the proposed language is retained without change in this final rule.

In § 250.38(d), we proposed to require that the Recipient Agency Processing Agreement contain the same provisions as an In-State Processing Agreement, to the extent that the distributing agency permits the recipient to perform activities normally performed by the distributing agency under an In-State Processing Agreement (*e.g.,* approval of end product data schedules or review of performance reports). However, a list of recipient agencies eligible to receive end products need not be included unless the Recipient Agency Processing Agreement represents more than one (*e.g.,* a cooperative) recipient agency. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.38(e), we proposed to prohibit a distributing or recipient agency, as appropriate, from extending or renewing an agreement when a processor has not complied with processing requirements. We proposed to allow a distributing or recipient agency to immediately terminate an agreement in the event of such noncompliance. One commenter expressed concern that requiring an agency to terminate or not renew an agreement can cause hardship for either agency. The commenter felt that this should be at the discretion of the agency as extenuating circumstances may apply and processors may be able to rectify their issues and provide sufficient service the following year. Thus, the final rule is amended to allow distributing and recipient agencies discretion in determining whether or not to extend or renew agreements when a processor has not complied with processing requirements. However, these decisions will be evaluated by FNS during reviews of distributing and recipient agencies to ensure compliance with processing requirements.

10. Miscellaneous Provisions, § 250.39

In § 250.39(a), we proposed that FNS may waive any of the requirements in 7 CFR part 250 for the purpose of conducting demonstration projects to test program changes which might improve processing of donated foods. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.39(b), we proposed to require the distributing agency to develop and provide a processing manual or similar materials to processors and other parties to ensure sufficient guidance is given regarding the requirements for the processing of donated foods.

Consistent with the current demonstration project, the distributing agency would be permitted to provide additional information relating to State-specific processing procedures upon request. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

In § 250.39(c), we proposed to clarify that guidance or information relating to the processing of donated foods is included on the FNS website or may otherwise be obtained from FNS. Such guidance and information includes program regulations and policies, the FNS Audit Guide, and the USDA National Processing Agreement. No comments were received on this provision. Thus, the proposed language is retained without change in this final rule.

III. Procedural Matters

A. Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 directs agencies to reduce regulation and control regulatory costs and provides that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

This final rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866. FNS considers this rule to be an Executive Order 13771 deregulatory action.

B. Regulatory Impact Analysis

This rule has been designated as not significant by the Office of Management and Budget, therefore, no Regulatory Impact Analysis is required.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, the Administrator of FNS has certified that this rule would not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or Tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and Tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 12372

The donation of foods in USDA food distribution and child nutrition programs is included in the Catalog of Federal Domestic Assistance under 10.555, 10.558, 10.559, 10.565, 10.567, and 10.569 is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV)

F. Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13121.

The Department has considered the impact of this rule on State and local governments and has determined that this rule does not have federalism implications. Therefore, under section 6(b) of the Executive Order, a federalism summary is not required.

G. Civil Rights Impact Analysis

FNS has reviewed this final rule in accordance with USDA Regulation 4300–4, ''Civil Rights Impact Analysis,'' to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex or disability. After a careful review of the rule's intent and provisions, FNS has determined that this rule would not in any way limit or reduce the ability of participants to receive the benefits of donated foods in food distribution or child nutrition programs on the basis of an individual's or group's race, color, national origin, sex, age, or disability. FNS found no factors that would negatively and disproportionately affect any group of individuals.

H. Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. FNS consulted with Tribes on this proposed rule on November 19, 2014; however, no concerns or comments were received. We are unaware of any current Tribal laws that could conflict with the final rule.

I. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35) requires the Office of Management and Budget (OMB) to approve all collections of information by a Federal agency before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current, valid OMB control number. No changes have been made to the proposed information collection requirements in this final rulemaking. Thus, in accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with this final rule, which were filed under 0584–0293, have been submitted for approval to OMB. When OMB notifies FNS of its decision, FNS will publish a notice in the **Federal Register** of the action.

J. E-Government Act Compliance

The Department is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 250

Administrative practice and procedure, Food assistance programs, Grant programs, Reporting and recordkeeping requirements, Social programs, Surplus agricultural commodities.

Accordingly, 7 CFR part 250 is amended as follows:

PART 250—DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 612c, 612c note, 1431, 1431b, 1431e, 1431 note, 1446a-1, 1859, 2014, 2025; 15 U.S.C. 713c; 22 U.S.C. 1922; 42 U.S.C. 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180.

■ 2. In § 250.2:

■ a. Remove definitions of *Contracting agency* and *Fee-for-service*.

■ b. Add definitions in alphabetical order for *Backhauling, Commingling, End product data schedule, In-State Processing Agreement, National Processing Agreement, Recipient Agency Processing Agreement, Replacement value,* and *State Participation Agreement*.

The additions read as follows:

§ 250.2 Definitions.

* * * * *

Backhauling means the delivery of donated foods to a processor for processing from a distributing or recipient agency's storage facility.

* * * * *

Commingling means the storage of donated foods together with commercially purchased foods.

* * * * *

End product data schedule means a processor's description of its processing of donated food into a finished end

product, including the processing yield of donated food.

* * * * *

In-State Processing Agreement means a distributing agency's agreement with an in-State processor to process donated foods into finished end products for sale to eligible recipient agencies or for sale to the distributing agency.

* * * * *

National Processing Agreement means an agreement between FNS and a multi-State processor to process donated foods into end products for sale to distributing or recipient agencies.

* * * * *

Recipient Agency Processing Agreement means a recipient agency's agreement with a processor to process donated foods and to purchase the finished end products.

* * * * *

Replacement value means the price assigned by the Department to a donated food which must reflect the current price in the market to ensure compensation for donated foods lost in processing or other activities. The replacement value may be changed by the Department at any time.

* * * * *

State Participation Agreement means a distributing agency's agreement with a multi-State processor to permit the sale of finished end products produced under the processor's National Processing Agreement to eligible recipient agencies in the State or to directly purchase such finished end products.

* * * * *

■ 3. In § 250.11, revise paragraph (e) to read as follows:

§ 250.11 Delivery and receipt of donated food shipments.

* * * * *

(e) *Transfer of title.* In general, title to donated foods transfers to the distributing agency or recipient agency, as appropriate, upon acceptance of the donated foods at the time and place of delivery. Title to donated foods provided to a multi-State processor, in accordance with its National Processing Agreement, transfers to the distributing agency or recipient agency, as appropriate, upon acceptance of the finished end products at the time and place of delivery. However, when a recipient agency has contracted with a distributor to act as an authorized agent, title to finished end products containing donated foods transfers to the recipient agency upon delivery and acceptance by the contracted distributor. Notwithstanding transfer of title, distributing and recipient agencies must ensure compliance with the requirements of this part in the distribution, control, and use of donated foods.

■ 4. In § 250.18, revise paragraph (b) to read as follows:

§ 250.18 Reporting requirements.

* * * * *

(b) *Processor performance.* Processors must submit performance reports and other supporting documentation, as required by the distributing agency or by FNS, in accordance with § 250.37(a), to ensure compliance with requirements in this part.

* * * * *

■ 5. In § 250.19, revise paragraph (a) to read as follows:

§ 250.19 Recordkeeping requirements.

(a) *Required records.* Distributing agencies, recipient agencies, processors, and other entities must maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained as an incident of donated food distribution, and other records specifically required in this part or in other Departmental regulations, as applicable. In addition, distributing agencies must keep a record of the value of donated foods each of its school food authorities receives, in accordance with § 250.58(e), and records to demonstrate compliance with the professional standards for distributing agency directors established in § 235.11(g) of this chapter. Processors must also maintain records documenting the sale of end products to recipient agencies, including the sale of such end products by distributors, and must submit monthly performance reports, in accordance with subpart C of this part and with any other recordkeeping requirements included in their agreements. Specific recordkeeping requirements relating to the use of donated foods in contracts with food service management companies are included in § 250.54. Failure of the distributing agency, recipient agency, processor, or other entity to comply with recordkeeping requirements must be considered prima facie evidence of improper distribution or loss of donated foods and may result in a claim against such party for the loss or misuse of donated foods, in accordance with § 250.16, or in other sanctions or corrective actions.

* * * * *

■ 6. Revise Subpart C to read as follows:

Subpart C—Processing of Donated Foods

Sec.

Subpart C—Processing of Donated Foods

§ 250.30 Processing of donated foods into end products.

(a) *Purpose of processing donated foods.* Donated foods are most commonly provided to processors to process into approved end products for use in school lunch programs or other food services provided by recipient agencies. The ability to divert donated foods for processing provides recipient agencies with more options for using donated foods in their programs. For example, donated foods such as whole chickens or chicken parts may be processed into precooked grilled chicken strips for use in the National School Lunch Program. In some cases, donated foods are provided to processors to prepare meals or for repackaging. Use of a commercial facility to repackage donated foods, or to use donated foods in the preparation of meals, is considered processing in this part.

(b) *Agreement requirement.* The processing of donated foods must be performed in accordance with an agreement between the processor and FNS, between the processor and the distributing agency, or, if allowed by the distributing agency, between the processor and a recipient agency or subdistributing agency. However, a processing agreement will not obligate any party to provide donated foods to a processor for processing. The agreements described below are required in addition to, not in lieu of, competitively procured contracts required in accordance with § 250.31. The processing agreement must be signed by an authorized individual for the processor. The different types of processing agreements are described in this section.

(c) *National Processing Agreement.* A multi-State processor must enter into a National Processing Agreement with FNS in order to process donated foods into end products in accordance with end product data schedules approved by FNS. FNS also holds and manages such processor's performance bond or letter

of credit under its National Processing Agreement, in accordance with § 250.32. FNS does not itself procure or purchase end products under a National Processing Agreement. A multi-State processor must also enter into a State Participation Agreement with the distributing agency in order to sell nationally approved end products in the State, in accordance with paragraph (d) of this section.

(d) *State Participation Agreement.* The distributing agency must enter into a State Participation Agreement with a multi-State processor to permit the sale of end products produced under the processor's National Processing Agreement to eligible recipient agencies in the State or to directly purchase such end products. The distributing agency may include other State-specific processing requirements in its State Participation Agreement, such as the methods of end product sales permitted, in accordance with § 250.36, or the use of labels attesting to fulfillment of meal pattern requirements in child nutrition programs. The distributing agency must utilize the following criteria in its selection of processors with which it enters into agreements. These criteria will be reviewed by the appropriate FNS Regional Office during the management evaluation review of the distributing agency.

(1) The nutritional contribution provided by end products;

(2) The marketability or acceptability of end products;

(3) The means by which end products will be distributed;

(4) Price competitiveness of end products and processing yields of donated foods;

(5) Any applicable labeling requirements; and

(6) The processor's record of ethics and integrity, and capacity to meet regulatory requirements.

(e) *In-State Processing Agreement.* A distributing agency must enter into an In-State Processing Agreement with an in-State processor to process donated foods into finished end products, unless it permits recipient agencies to enter into Recipient Agency Processing Agreements for such purpose, in accordance with paragraph (f) of this section. Under an In-State Processing Agreement, the distributing agency approves end product data schedules (except red meat and poultry) submitted by the processor, holds and manages the processor's performance bond or letter of credit, in accordance with § 250.32, and assures compliance with other processing requirements. The distributing agency may also purchase the finished end products for distribution to eligible recipient agencies in the State under an In-State Processing Agreement, or may permit recipient agencies to purchase such end products, in accordance with applicable procurement requirements. In the latter case, the In-State Processing Agreement is often called a ''master agreement.'' A distributing agency that procures end products on behalf of recipient agencies, or that limits recipient agencies' access to the procurement of specific end products through its master agreements, must utilize the following criteria in its selection of processors with which it enters into agreements. These criteria will be reviewed by the appropriate FNS Regional Office during the management evaluation review of the distributing agency.

(1) The nutritional contribution provided by end products;

(2) The marketability or acceptability of end products;

(3) The means by which end products will be distributed;

(4) Price competitiveness of end products and processing yields of donated foods;

(5) Any applicable labeling requirements; and

(6) The processor's record of ethics and integrity, and capacity to meet regulatory requirements.

(f) *Recipient Agency Processing Agreement.* The distributing agency may permit a recipient agency to enter into an agreement with an in-State processor to process donated foods and to purchase the finished end products in accordance with a Recipient Agency Processing Agreement. A recipient agency may also enter into a Recipient Agency Processing Agreement on behalf of other recipient agencies, in accordance with an agreement between the parties. The distributing agency may also delegate a recipient agency to approve end product data schedules or select nationally approved end product data schedules, review in-State processor performance reports, manage the performance bond or letter of credit of an in-State processor, and monitor other processing activities under a Recipient Agency Processing Agreement. All such activities must be performed in accordance with the requirements of this part. All Recipient Agency Processing Agreements must be reviewed and approved by the distributing agency. All recipient agencies must utilize the following criteria in its selection of processors with which it enters into agreements:

(1) The nutritional contribution provided by end products;

(2) The marketability or acceptability of end products;

(3) The means by which end products will be distributed;

(4) Price competitiveness of end products and processing yields of donated foods;

(5) Any applicable labeling requirements; and

(6) The processor's record of ethics and integrity, and capacity to meet regulatory requirements.

(g) *Ensuring acceptability of end products.* A distributing agency that procures end products on behalf of recipient agencies, or that otherwise limits recipient agencies' access to the procurement of specific end products, must provide for testing of end products to ensure their acceptability by recipient agencies, prior to entering into processing agreements. End products that have previously been tested, or that are otherwise determined to be acceptable, need not be tested. However, such a distributing agency must monitor product acceptability on an ongoing basis.

(h) *Prohibition against subcontracting.* A processor may not assign any processing activities under its processing agreement or subcontract to another entity to perform any aspect of processing, without the specific written consent of the other party to the agreement (*i.e.,* distributing or recipient agency, or FNS, as appropriate). The distributing agency may, for example, provide the required consent as part of its State Participation Agreement or In-State Processing Agreement with the processor.

(i) *Agreements between processors and distributors.* A processor providing end products containing donated foods to a distributor must enter into a written agreement with the distributor. The agreement must reference, at a minimum, the financial liability (*i.e.,* who must pay) for the replacement value of donated foods, not less than monthly end product sales reporting frequency, requirements under § 250.11, and the applicable value pass through system to ensure that the value of donated foods and finished end products are properly credited to recipient agencies. Distributing agencies can set additional requirements.

(j) *Duration of agreements.* In-State Processing Agreements and Recipient Agency Processing Agreements may be up to five years in duration. State Participation Agreements may be permanent. National Processing Agreements are permanent. Amendments to any agreements may be made, as needed, with the concurrence of both parties to the agreement. Such amendments will be effective for the

duration of the agreement, unless otherwise indicated.

§ 250.31 Procurement requirements.

(a) *Applicability of Federal procurement requirements.* Distributing and recipient agencies must comply with the requirements in 2 CFR part 200 and part 400, as applicable, in purchasing end products, distribution, or other processing services from processors. Distributing and recipient agencies may use procurement procedures that conform to applicable State or local laws and regulations, but must ensure compliance with the procurement requirements in 2 CFR part 200 and part 400, as applicable.

(b) *Required information in procurement documents.* In all procurements of processed end products containing USDA donated foods, procurement documents must include the following information:

(1) The price to be charged for the end product or other processing service;

(2) The method of end product sales that will be utilized and assurance that crediting for donated foods will be performed in accordance with the applicable requirements for such method of sales in § 250.36;

(3) The value of the donated food in the end products; and

(4) The location for the delivery of the end products.

§ 250.32 Protection of donated food value.

(a) *Performance bond or irrevocable letter of credit.* The processor must obtain a performance bond or an irrevocable letter of credit to protect the value of donated foods to be received for processing prior to the delivery of the donated foods to the processor. The processor must provide the performance bond or letter of credit to the distributing or recipient agency, in accordance with its In-State or Recipient Agency Processing Agreement. However, a multi-State processor must provide the performance bond or letter of credit to FNS, in accordance with its National Processing Agreement. For multi-State processors, the minimum amount of the performance bond or letter of credit must be sufficient to cover at least 75 percent of the value of donated foods in the processor's physical or book inventory, as determined annually and at the discretion of FNS for processors under National Processing Agreements. For multi-state processors in their first year of participation in the processing program, the amount of the performance bond or letter of credit must be sufficient to cover 100 percent of the value of donated foods, as determined annually, and at the discretion of FNS. The surety company from which a bond is obtained must be listed in the most current Department of Treasury's Listing of Approved Sureties (Department Circular 570).

(b) *Calling in the performance bond or letter of credit.* The distributing or recipient agency must call in the performance bond or letter of credit whenever a processor's lack of compliance with this part, or with the terms of the In-State or Recipient Agency Processing Agreement, results in a loss of donated foods to a distributing or recipient agency and the processor fails to make restitution or respond to a claim action initiated to recover the loss. Similarly, FNS will call in the performance bond or letter of credit in the same circumstances, in accordance with National Processing Agreements, and will ensure that any monies recovered are reimbursed to distributing agencies for losses of entitlement foods.

§ 250.33 Ensuring processing yields of donated foods.

(a) *End product data schedules.* The processor must submit an end product data schedule, in a standard electronic format dictated by FNS, for approval before it may process donated foods into end products. For In-State Processing Agreements, the end product data schedule must be approved by the distributing agency and, for products containing donated red meat and poultry, the end product data schedule must also be approved by the Department. For National Processing Agreements, the end product data schedule must be approved by the Department. An end product data schedule must be submitted, and approved, for each new end product that a processor wishes to provide or for a previously approved end product in which the ingredients (or other pertinent information) have been altered. On the end product data schedule, the processor must describe its processing of donated food into an end product, including the following information:

(1) A description of the end product;

(2) The types and quantities of donated foods included;

(3) The types and quantities of other ingredients included;

(4) The quantity of end product produced; and

(5) The processing yield of donated food, which may be expressed as the quantity (pounds or cases) of donated food needed to produce a specific quantity of end product or as the percentage of raw donated food versus the quantity returned in the finished end product.

(b) *Processing yields of donated foods.* All end products must have a processing yield of donated foods associated with its production and this processing yield must be indicated on its end product data schedule. The processing yield options are limited to 100 percent yield, guaranteed yield, and standard yield.

(1) Under 100 percent yield, the processor must ensure that 100 percent of the raw donated food is returned in the finished end product. The processor must replace any processing loss of donated food with commercially purchased food of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food. The processor must demonstrate such replacement by reporting reductions in donated food inventories on performance reports by the amount of donated food contained in the finished end product rather than the amount that went into production. The Department may approve an exception if a processor experiences a significant manufacturing loss.

(2) Under guaranteed yield, the processor must ensure that a specific quantity of end product (*i.e.,* number of cases) will be produced from a specific quantity of donated food (*i.e.,* pounds), as determined by the parties to the processing agreement, and, for In-State Processing Agreements, approved by the Department. If necessary, the processor must use commercially purchased food of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food to provide the guaranteed number of cases of end product to the distributing or recipient agency, as appropriate. The guaranteed yield must be indicated on the end product data schedule.

(3) Under standard yield, the processor must ensure that a specific quantity of end product (*i.e.,* number of cases), as determined by the Department, will be produced from a specific quantity of donated food. The established standard yield is higher than the yield the processor could achieve under normal commercial production and serves to reward those processors that can process donated foods most efficiently. If necessary, the processor must use commercially purchased food of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food to provide the number of cases required to meet the standard yield to the distributing or recipient

agency, as appropriate. The standard yield must be indicated on the end product data schedule.

(c) *Compensation for loss of donated foods.* The processor must compensate the distributing or recipient agency, as appropriate, for the loss of donated foods, or for the loss of commercially purchased foods substituted for donated foods. Such loss may occur, for example, if the processor fails to meet the required processing yield of donated food or fails to produce end products that meet required specifications, if donated foods are spoiled, damaged, or otherwise adulterated at a processing facility, or if end products are improperly distributed. To compensate for such loss, the processor must:

(1) Replace the lost donated food or commercial substitute with commercially purchased food of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food; or

(2) Return end products that are wholesome but do not meet required specifications to production for processing into the requisite quantity of end products that meet the required specifications (commonly called rework products); or

(3) If the purchase of replacement foods or the reprocessing of products that do not meet the required specifications is not feasible, the processor may, with FNS, distributing agency, or recipient agency approval, dependent on which entity maintains the agreement with the processor, pay the distributing or recipient agency, as appropriate, for the replacement value of the donated food or commercial substitute.

(d) *Credit for sale of by-products.* The processor must credit the distributing or recipient agency, as appropriate, for the sale of any by-products produced in the processing of donated foods. The processor must credit for the net value of such sale, or the market value of the by-products, after subtraction of any documented expenses incurred in preparing the by-product for sale. Crediting must be achieved through invoice reduction or by another means of crediting.

(e) *Labeling requirements.* The processor must ensure that all end product labels meet Federal labeling requirements. A processor that claims end products fulfill meal pattern requirements in child nutrition programs must comply with the procedures required for approval of labels of such end products.

§ 250.34 Substitution of donated foods.

(a) *Substitution of commercially purchased foods for donated foods.* Unless its agreement specifically stipulates that the donated foods must be used in processing, the processor may substitute commercially purchased foods for donated foods that are delivered to it from a USDA vendor. The commercially purchased food must be of the same generic identity, of U.S. origin, and equal or better in all USDA procurement specifications than the donated food. Commercially purchased beef, pork, or poultry must meet the same specifications as donated product, including inspection, grading, testing, and humane handling standards and must be approved by the Department in advance of substitution. The processor may choose to make the substitution before the actual receipt of the donated food. However, the processor assumes all risk and liability if, due to changing market conditions or other reasons, the Department's purchase of donated foods and their delivery to the processor is not feasible. Commercially purchased food substituted for donated food must meet the same processing yield requirements in § 250.33 that would be required for the donated food.

(b) *Prohibition against substitution and other requirements for backhauled donated foods.* The processor may not substitute or commingle donated foods that are backhauled to it from a distributing or recipient agency's storage facility. The processor must process backhauled donated foods into end products for sale and delivery to the distributing or recipient agency that provided them and not to any other agency. Distributing or recipient agencies must purchase end products utilizing donated foods backhauled to their contracted processor. The processor may not provide payment for backhauled donated foods in lieu of processing.

(c) *Grading requirements.* The processing of donated beef, pork, and poultry must occur under Federal Quality Assessment Division grading, which is conducted by the Department's Agricultural Marketing Service. Federal Quality Assessment Division grading ensures that processing is conducted in compliance with substitution and yield requirements and in conformance with the end product data schedule. The processor is responsible for paying the cost of acceptance service grading. The processor must maintain grading certificates and other records necessary to document compliance with requirements for substitution of donated foods and with other requirements of this subpart.

(d) *Waiver of grading requirements.* The distributing agency may waive the grading requirement for donated beef, pork or poultry in accordance with one of the conditions listed in this paragraph (d). However, grading may only be waived on a case by case basis (*e.g.,* for a particular production run); the distributing agency may not approve a blanket waiver of the requirement. Additionally, a waiver may only be granted if a processor's past performance indicates that the quality of the end product will not be adversely affected. The conditions for granting a waiver include:

(1) That even with ample notification time, the processor cannot secure the services of a grader;

(2) The cost of the grader's service in relation to the value of donated beef, pork or poultry being processed would be excessive; or

(3) The distributing or recipient agency's urgent need for the product leaves insufficient time to secure the services of a grader.

(e) *Use of substituted donated foods.* The processor may use donated foods that have been substituted with commercially purchased foods in other processing activities conducted at its facilities.

§ 250.35 Storage, food safety, quality control, and inventory management.

(a) *Storage and quality control.* The processor must ensure the safe and effective storage of donated foods, including compliance with the general storage requirements in § 250.12, and must maintain an effective quality control system at its processing facilities. The processor must maintain documentation to verify the effectiveness of its quality control system and must provide such documentation upon request.

(b) *Food safety requirements.* The processor must ensure that all processing of donated foods is conducted in compliance with all Federal, State, and local requirements relative to food safety.

(c) *Commingling of donated foods and commercially purchased foods.* The processor may commingle donated foods and commercially purchased foods, unless the processing agreement specifically stipulates that the donated foods must be used in processing, and not substituted, or the donated foods have been backhauled from a recipient agency. However, such commingling must be performed in a manner that ensures the safe and efficient use of donated foods, as well as compliance

with substitution requirements in § 250.34 and with reporting of donated food inventories on performance reports, as required in § 250.37. The processor must also ensure that commingling of processed end products and other food products, either at its facility or at the facility of a commercial distributor, ensures the sale and delivery of end products that meet the processing requirements in this subpart—*e.g.,* by affixing the applicable USDA certification stamp to the exterior shipping containers of such end products.

(d) *Limitation on donated food inventories.* Inventories of donated food at processors may not be in excess of a six-month supply, based on an average amount of donated foods utilized, unless a higher level has been specifically approved by the distributing agency on the basis of a written justification submitted by the processor. Distributing agencies are not permitted to submit food orders for processors reporting no sales activity during the prior year's contract period unless documentation is submitted by the processor which outlines specific plans for donated food drawdown, product promotion, or sales expansion. When inventories are determined to be excessive for a State or processor, *e.g.,* more than six months or exceeding the established protection, FNS may require the transfer of inventory and/or entitlement to another State or processor to ensure utilization prior to the end of the school year.

(e) *Reconciliation of excess donated food inventories.* If, at the end of the school year, the processor has donated food inventories in excess of a six-month supply, the distributing agency may, in accordance with paragraph (d) of this section, permit the processor to carry over such excess inventory into the next year of its agreement, if it determines that the processor may efficiently store and process such quantity of donated foods. The distributing agency may also direct the processor to transfer such donated foods to other recipient agencies, or to transfer them to other distributing agencies, in accordance with § 250.12(e). However, if these actions are not practical, the distributing agency must require the processor to pay it for the donated foods held in excess of allowed levels at the replacement value of the donated foods.

(f) *Disposition of donated food inventories upon agreement termination.* When an agreement terminates, and is not extended or renewed, the processor must take one of the actions indicated in this paragraph (f) with respect to remaining donated food inventories, as directed by the distributing agency or recipient agency, as appropriate. The processor must pay the cost of transporting any donated foods when the agreement is terminated at the processor's request or as a result of the processor's failure to comply with the requirements of this part. The processor must:

(1) Return the donated foods, or commercially purchased foods that meet the substitution requirements in § 250.34, to the distributing or recipient agency, as appropriate; or

(2) Transfer the donated foods, or commercially purchased foods that meet the substitution requirements in § 250.34, to another distributing or recipient agency with which it has a processing agreement; or

(3) If returning or transferring the donated foods, or commercially purchased foods that meet the substitution requirements in § 250.34, is not feasible, the processor may, with FNS approval, pay the distributing or recipient agency, as appropriate, for the donated foods, at the contract value or replacement value of the donated foods, whichever is higher.

§ 250.36 End product sales and crediting for the value of donated foods.

(a) *Methods of end product sales.* To ensure that the distributing or recipient agency, as appropriate, receives credit for the value of donated foods contained in end products, the sale of end products must be performed using one of the methods of end product sales, also known as value pass through systems, described in this section. All systems of sales utilized must provide clear documentation of crediting for the value of the donated foods contained in the end products.

(b) *Refund or rebate.* Under this system, the processor sells end products to the distributing or recipient agency, as appropriate, at the commercial, or gross, price and must provide a refund or rebate for the value of the donated food contained in the end products. The processor may also deliver end products to a commercial distributor for sale to distributing or recipient agencies under this system. In both cases, the processor must provide a refund to the appropriate agency within 30 days of receiving a request for a refund from that agency. The refund request must be in writing, which may be transmitted via email or other electronic submission.

(c) *Direct discount.* Under this system, the processor must sell end products to the distributing or recipient agency, as appropriate, at a net price that incorporates a discount from the commercial case price for the value of donated food contained in the end products.

(d) *Indirect discount.* Under this system, also known as net off invoice, the processor delivers end products to a commercial distributor, which must sell the end products to an eligible distributing or recipient agency, as appropriate, at a net price that incorporates a discount from the commercial case price for the value of donated food contained in the end products. The processor must require the distributor to notify it of such sales, at least on a monthly basis, through automated sales reports or other electronic or written submission. The processor then compensates the distributor for the discount provided for the value of the donated food in its sale of end products. Recipient agencies should closely monitor invoices to ensure correct discounts are applied.

(e) *Fee-for-service.* (1) Under this system, the processor must sell end products to the distributing or recipient agency, as appropriate, at a fee-for-service, which includes all costs to produce the end products not including the value of the donated food used in production. Three basic types of fee-for-service are used:

(i) Direct shipment and invoicing from the processor to the recipient agency;

(ii) Fee-for-service through a distributor, where the processor ships multiple pallets of product to a distributor with a breakout of who owns what products; and

(iii) What is commonly known as Modified Fee-for-service, when the recipient agency has an authorized agent bill them for the total case price.

(2) The processor must identify any charge for delivery of end products separately from the fee-for-service on its invoice. If the processor provides end products sold under fee-for-service to a distributor for delivery to the distributing or recipient agency, the processor must identify the distributor's delivery charge separately from the fee-for-service on its invoice to the appropriate agency or may permit the distributor to bill the agency separately for the delivery of end products. The processor must require that the distributor notify it of such sales, at least on a monthly basis, through automated sales reports, email, or other electronic or written submission. When the recipient agency procures storage and distribution of processed end products separately from the processing of donated foods, the recipient agency may provide the distributor written approval to act as the recipient agency's

authorized agent for the total case price (*i.e.,* including the fee-for-service and the delivery charge), in accordance with § 250.11(e).

(f) *Approved alternative method.* The processor or distributor may sell end products under an alternative method approved by FNS and the distributing agency that ensures crediting for the value of donated foods contained in the end products.

(g) *Donated food value used in crediting.* In crediting for the value of donated foods in end product sales, the contract value of the donated foods, as defined in § 250.2, must be used.

(h) *Ensuring sale and delivery of end products to eligible recipient agencies.* In order to ensure the sale of end products to eligible recipient agencies, the distributing agency must provide the processor with a list of recipient agencies eligible to purchase end products, along with the quantity of raw donated food that is to be delivered to the processor for processing on behalf of each recipient agency. In order to ensure that the distributor sells end products only to eligible recipient agencies, the processor must provide the distributor with a list of eligible recipient agencies and either:

(1) The quantities of approved end products that each recipient agency is eligible to receive; or

(2) The quantity of donated food allocated to each recipient agency and the raw donated food (pounds or cases) needed per case of each approved end product.

§ 250.37 Reports, records, and reviews of processor performance.

(a) *Performance reports.* The processor must submit a performance report to the distributing agency (or to the recipient agency, in accordance with a Recipient Agency Processing Agreement) on a monthly basis, which must include the information listed in this paragraph (a). Performance reports must be submitted not later than 30 days after the end of the reporting period. The performance report must include the following information for the reporting period, with year-to-date totals:

(1) A list of all recipient agencies purchasing end products;

(2) The quantity of donated foods in inventory at the beginning of the reporting period;

(3) The quantity of donated foods received;

(4) The quantity of donated foods transferred to the processor from another entity, or transferred by the processor to another entity;

(5) The quantity of donated foods losses;

(6) The quantity of end products delivered to each eligible recipient agency;

(7) The quantity of donated foods remaining at the end of the reporting period;

(8) A certification statement that sufficient donated foods are in inventory or on order to account for the quantities needed for production of end products;

(9) Grading certificates, as applicable; and

(10) Other supporting documentation, as required by the distributing agency or recipient agency.

(b) *Reporting reductions in donated food inventories.* The processor must report reductions in donated food inventories on performance reports only after sales of end products have been made, or after sales of end products through distributors have been documented. However, when a recipient agency has contracted with a distributor to act as an authorized agent, the processor may report reductions in donated food inventories upon delivery and acceptance by the contracted distributor, in accordance with § 250.11(e). Documentation of distributor sales must be through the distributing or recipient agency's request for a refund (under a refund or rebate system) or through receipt of the distributor's automated sales reports or other electronic or written reports submitted to the processor (under an indirect discount system or under a fee-for-service system).

(c) *Summary performance report.* Along with the submission of performance reports to the distributing agency, a multi-State processor must submit a summary performance report to FNS, on a monthly basis and in a format established by FNS, in accordance with its National Processing Agreement. The summary report must include an accounting of the processor's national inventory of donated foods, including the information listed in this paragraph (c). The report must be submitted not later than 30 days after the end of the reporting period; however, the final performance report must be submitted within 60 days of the end of the reporting period. The summary performance report must include the following information for the reporting period:

(1) The total donated food inventory by State and the national total at the beginning of the reporting period;

(2) The total quantity of donated food received by State, with year-to-date totals, and the national total of donated food received;

(3) The total quantity of donated food reduced from inventory by State, with year-to-date totals, and the national total of donated foods reduced from inventory; and

(4) The total quantity of donated foods remaining in inventory by State, and the national total, at the end of the reporting period.

(d) *Recordkeeping requirements for processors.* The processor must maintain the following records relating to the processing of donated foods:

(1) End product data schedules and summary end product data schedules, as applicable;

(2) Receipt of donated foods shipments;

(3) Production, sale, and delivery of end products, including sales through distributors;

(4) All agreements with distributors;

(5) Remittance of refunds, invoices, or other records that assure crediting for donated foods in end products and for sale of byproducts;

(6) Documentation of Federal or State inspection of processing facilities, as appropriate, and of the maintenance of an effective quality control system;

(7) Documentation of substitution of commercial foods for donated foods, including grading certificates, as applicable;

(8) Waivers of grading requirements, as applicable; and

(9) Required reports.

(e) *Recordkeeping requirements for the distributing agency.* The distributing agency must maintain the following records relating to the processing of donated foods:

(1) In-State Processing Agreements and State Participation Agreements;

(2) End product data schedules or summary end product data schedules, as applicable;

(3) Performance reports;

(4) Grading certificates, as applicable;

(5) Documentation that supports information on the performance report, as required by the distributing agency (*e.g.,* sales invoices or copies of refund payments);

(6) Copies of audits of in-State processors and documentation of the correction of any deficiencies identified in such audits;

(7) The receipt of end products, as applicable; and

(8) Procurement documents, as applicable.

(f) *Recordkeeping requirements for the recipient agency.* The recipient agency must maintain the following records relating to the processing of donated foods:

(1) The receipt of end products purchased from processors or distributors;

(2) Crediting for the value of donated foods contained in end products;

(3) Recipient Agency Processing Agreements, as applicable, and, in accordance with such agreements, other records included in paragraph (e) of this section, if not retained by the distributing agency; and

(4) Procurement documents, as applicable.

(g) *Review requirements for the distributing agency.* The distributing agency must review performance reports and other records that it must maintain, in accordance with the requirements in paragraph (e) of this section, to ensure that the processor:

(1) Receives donated food shipments;

(2) Delivers end products to eligible recipient agencies, in the types and quantities for which they are eligible;

(3) Meets the required processing yields for donated foods; and

(4) Accurately reports donated food inventory activity and maintains inventories within approved levels.

§ 250.38 Provisions of agreements.

(a) *National Processing Agreement.* A National Processing Agreement includes provisions to ensure that a multi-State processor complies with all of the applicable requirements in this part relating to the processing of donated foods.

(b) *Required provisions for State Participation Agreement.* A State Participation Agreement with a multi-State processor must include the following provisions:

(1) Contact information for all appropriate parties to the agreement;

(2) The effective dates of the agreement;

(3) A list of recipient agencies eligible to receive end products;

(4) Summary end product data schedules, with end products that may be sold in the State;

(5) Assurance that the processor will not substitute or commingle backhauled donated foods and will provide end products processed from such donated foods only to the distributing or recipient agency from which the foods were received;

(6) Any applicable labeling requirements;

(7) Other processing requirements implemented by the distributing agency, such as the specific method(s) of end product sales permitted;

(8) A statement that the agreement may be terminated by either party upon 30 days' written notice;

(9) A statement that the agreement may be terminated immediately if the processor has not complied with its terms and conditions; and

(10) A statement requiring the processor to enter into an agreement with any and all distributors delivering processed end products to recipient agencies that ensures adequate data sharing, reporting, and crediting of donated foods, in accordance with § 250.30(i).

(c) *Required provisions of the In-State Processing Agreement.* An In-State Processing Agreement must include the following provisions or attachments:

(1) Contact information for all appropriate parties to the agreement;

(2) The effective dates of the agreement;

(3) A list of recipient agencies eligible to receive end products, as applicable;

(4) In the event that subcontracting is allowed, the specific activities that will be performed under subcontracts;

(5) Assurance that the processor will provide a performance bond or irrevocable letter of credit to protect the value of donated foods it is expected to maintain in inventory, in accordance with § 250.32;

(6) End product data schedules for all end products, with all required information, in accordance with § 250.33(a);

(7) Assurance that the processor will meet processing yields for donated foods, in accordance with § 250.33;

(8) Assurance that the processor will compensate the distributing or recipient agency, as appropriate, for any loss of donated foods, in accordance with § 250.33(c);

(9) Any applicable labeling requirements;

(10) Assurance that the processor will meet requirements for the substitution of commercially purchased foods for donated foods, including grading requirements, in accordance with § 250.34;

(11) Assurance that the processor will not substitute or commingle backhauled donated foods and will provide end products processed from such donated foods only to the recipient agency from which the foods were received, as applicable;

(12) Assurance that the processor will provide for the safe and effective storage of donated foods, meet inspection requirements, and maintain an effective quality control system at its processing facilities;

(13) Assurance that the processor will report donated food inventory activity and maintain inventories within approved levels;

(14) Assurance that the processor will return, transfer, or pay for, donated food inventories remaining upon termination of the agreement, in accordance with § 250.35(f);

(15) The specific method(s) of end product sales permitted, in accordance with § 250.36;

(16) Assurance that the processor will credit recipient agencies for the value of all donated foods, in accordance with § 250.36;

(17) Assurance that the processor will submit performance reports and meet other reporting and recordkeeping requirements, in accordance with § 250.37;

(18) Assurance that the processor will obtain independent CPA audits and will correct any deficiencies identified in such audits, in accordance with § 250.20;

(19) A statement that the distributing agency, subdistributing agency, or recipient agency, the Comptroller General, the Department of Agriculture, or their duly authorized representatives, may perform on-site reviews of the processor's operation to ensure that all activities relating to donated foods are performed in accordance with the requirements in 7 CFR part 250;

(20) A statement that the agreement may be terminated by either party upon 30 days' written notice;

(21) A statement that the agreement may be terminated immediately if the processor has not complied with its terms and conditions;

(22) A statement that extensions or renewals of the agreement, if applicable, are contingent upon the fulfillment of all agreement provisions; and

(23) A statement requiring the processor to enter into an agreement with any and all distributors delivering processed end products to recipient agencies that ensures adequate data sharing, reporting, and crediting of donated foods, in accordance with § 250.30(i).

(d) *Required provisions for Recipient Agency Processing Agreement.* The Recipient Agency Processing Agreement must contain the same provisions as an In-State Processing Agreement, to the extent that the distributing agency permits the recipient agency to perform activities normally performed by the distributing agency under an In-State Processing Agreement (*e.g.,* approval of end product data schedules, review of performance reports, or management of the performance bond). However, a list of recipient agencies eligible to receive end products need not be included unless the Recipient Agency Processing Agreement represents more than one (*e.g.,* a cooperative) recipient agency.

(e) *Noncompliance with processing requirements.* If the processor has not complied with processing requirements,

the distributing or recipient agency, as appropriate, may choose to not extend or renew the agreement and may immediately terminate it.

§ 250.39 Miscellaneous provisions.

(a) *Waiver of processing requirements.* The Food and Nutrition Service may waive any of the requirements contained in this part for the purpose of conducting demonstration projects to test program changes designed to improve the processing of donated foods.

(b) Processing activity guidance. Distributing agencies must develop and provide a processing manual or similar procedural material for guidance to contracting agencies, recipient agencies, and processors. Distributing agencies must revise these materials as necessary to reflect policy and regulatory changes. This guidance material must be provided to contracting agencies, recipient agencies, and processors at the time of the approval of the initial agreement by the distributing agency, when there have been regulatory or policy changes which necessitate changes in the guidance materials, and upon request. The manual must include, at a minimum, statements of the distributing agency's policies and procedures regarding:

(1) Contract approval;

(2) Monitoring and review of processing activities;

(3) Recordkeeping and reporting requirements;

(4) Inventory controls; and

(5) Refund applications.

(c) *Guidance or information.* Guidance or information relating to the processing of donated foods is included on the FNS website or may otherwise be obtained from FNS.

Dated: March 30, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–09168 Filed 4–30–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0335; Special Conditions No. 25–725–SC]

Special Conditions: Bombardier Inc., Model BD–700–2A12 and BD–700–2A13 Series Airplanes; Flight Envelope Protection: High Incidence Protection System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier), Model BD–700–2A12 and BD–700–2A13 series airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a high incidence protection system that replaces the stall warning system during normal operating conditions, prohibits the airplane from stalling, limits the angle of attack at which the airplane can be flown during normal low speed operation, and cannot be overridden by the flight crew. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier Inc. on May 1, 2018. Send comments on or before June 15, 2018.

ADDRESSES: Send comments identified by Docket No. FAA–2018–0335 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 2200 South 216th Street, Des Moines, Washington 98198–6547; telephone 206–231–3158; email *Joe.Jacobsen@faa.gov*.

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

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

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

Background

On May 30, 2012, Bombardier applied for an amendment to Type Certificate No. T00003NY to include the new Model BD–700–2A12 and BD–700–2A13 series airplanes. The Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes, which are derivatives of the Model BD–700 airplane currently approved under Type Certificate No. T00003NY, are business jets, with a maximum certified passenger capacity of 19. The maximum takeoff weight of Model BD–700–2A12 is 106,250 lbs. and 104,800 lbs. for the Model BD–700–2A13.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 series airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the BD–700–2A12 and BD–700–2A13 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Model BD–700–2A12 and BD–700–2A13 series airplanes will incorporate the following novel or unusual design features:

A high incidence protection system that replaces the stall warning system during normal operating conditions, prohibits the airplane from stalling, limits the angle of attack at which the airplane can be flown during normal low speed operation, and cannot be overridden by the flight crew. The application of this angle-of-attack limit impacts the stall speed determination, the stall characteristics and stall-warning demonstration, and the longitudinal handling characteristics.

Discussion

The high incidence protection function prevents the airplanes from stalling at low speeds and, therefore, a stall warning system is not needed during normal flight conditions. If there is a failure of the high incidence protection function that is not shown to be extremely improbable, theses special conditions will apply. For example, stall warning must be provided in a conventional manner and the flight characteristics at the angle of attack for CL_{MAX} must be suitable in the traditional sense.

These special conditions addressing the high incidence protection system will replace the applicable sections of 14 CFR part 25. Part I of the following special conditions is in lieu of §§ 25.21(b), 25.103, 25.145(a), 25.145(b)(6), 25.201, 25.203, 25.207, and 25.1323(d). Part II is in lieu of §§ 25.103, 25.105(a)(2)(i), 25.107(c) and (g), 25.121(b)(2)(ii)(A), 25.121(c)(2)(ii)(A), 25.121(d)(2)(ii), 25.123(b)(2)(i), 25.125(b)(2)(ii)(B), and 25.143(j)(2)(i).

These special conditions address this novel or unusual design feature on the Bombardier Model BD–700–2A12 and BD–700–2A13, and contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes.

Part I: Stall Protection and Scheduled Operating Speeds

Foreword

In the following paragraphs, ''in icing conditions'' means with the ice accretions (relative to the relevant flight phase) as defined in 14 CFR part 25, Amendment 121, appendix C.

1. Definitions

These special conditions use terminology that does not appear in 14 CFR part 25. For the purpose of these special conditions, the following terms describe certain aspects of this novel or unusual design feature:

a. *High incidence protection system:* A system that operates directly and automatically on the airplane's flight controls to limit the maximum angle of attack that can be attained to a value below that at which an aerodynamic stall would occur.

b. *Alpha-limit:* The maximum angle of attack at which the airplane stabilizes with the high incidence protection system operating, and the longitudinal control held on its aft stop.

c. V_{min}: The minimum steady flight speed in the airplane's configuration under consideration with the high incidence protection system operating. See Part 1, paragraph 3 of these Special Conditions.

d. $V_{min}1g$: V_{min} corrected to 1g conditions. See Part 1, paragraph 3, of these Special Conditions. It is the minimum calibrated airspeed at which the airplane can develop a lift force normal to the flight path and equal to its weight when at an angle of attack not greater than that determined for V_{min}.

2. Capability and Reliability of the High Incidence Protection System

The applicant must establish the capability and reliability of the high incidence protection system. The applicant may establish this capability and reliability by flight test, simulation, or analysis as appropriate. The capability and reliability required are:

a. It must not be possible during pilot induced maneuvers to encounter a stall and handling characteristics must be acceptable, as required by Part 1, paragraph 5 of these Special Conditions;

b. The airplane must be protected against stalling due to the effects of wind-shears and gusts at low speeds as required by Part 1, paragraph 6 of these Special Conditions;

c. The ability of the high incidence protection system to accommodate any reduction in stalling incidence must be verified in icing conditions;

d. The high incidence protection system must be provided in each

abnormal configuration of the high lift devices that is likely to be used in flight following system failures; and

e. The reliability of the system and the effects of failures must be acceptable in accordance with § 25.1309.

3. Minimum Steady Flight Speed and Reference Stall Speed

In lieu of § 25.103, the following requirements apply:

a. The minimum steady flight speed, V_{min}, is the final, stabilized, calibrated airspeed obtained when the airplane is decelerated until the longitudinal control is on its stop in such a way that the entry rate does not exceed 1 knot per second.

b. The minimum steady flight speed, V_{min}, must be determined in icing and non-icing conditions with:

i. The high incidence protection system operating normally.

ii. Idle thrust and automatic thrust system (if applicable) inhibited;

iii. All combinations of flaps setting and landing gear position for which V_{min} is required to be determined;

iv. The weight used when reference stall speed, $V_{SR,}$ is being used as a factor to determine compliance with a required performance standard;

v. The most unfavorable center of gravity allowable; and

vi. The airplane trimmed for straight flight at a speed achievable by the automatic trim system.

c. The 1-g minimum steady flight speed, $V_{min}1g$, is the minimum calibrated airspeed at which the airplane can develop a lift force (normal to the flight path) equal to its weight, while at an angle of attack not greater than that at which the minimum steady flight speed of Part 1, paragraph 3(a) of these special conditions is determined. It must be determined in icing and non-icing conditions.

d. The reference stall speed, V_{SR}, is a calibrated airspeed defined by the applicant. V_{SR} may not be less than a 1-g stall speed. V_{SR} must be determined in non-icing conditions and expressed as:

$$V_{SR} \geq \frac{V_{CL\,MAX}}{\sqrt{n_{zw}}}$$

where—

V_{CLmax} = Calibrated airspeed obtained when the load-factor-corrected lift coefficient

$$\left(\frac{n_{zw}W}{qS}\right)$$

is first a maximum during the maneuver prescribed in condition (3)(e)(viii) of these special conditions.

n_{zw} = Load factor normal to the flight path at V_{CLmax}

W = Airplane gross weight;

S = Aerodynamic reference wing area; and

q = Dynamic pressure.

e. V_{CLmax} is determined in non-icing conditions with:

i. Engines idling, or, if that resultant thrust causes an appreciable decrease in stall speed, not more than zero thrust at the stall speed;

ii. The airplane in other respects (such as flaps and landing gear) in the condition existing in the test or performance standard in which V_{SR} is being used;

iii. The weight used when V_{SR} is being used as a factor to determine compliance with a required performance standard;

iv. The center of gravity position that results in the highest value of reference stall speed;

v. The airplane trimmed for straight flight at a speed achievable by the automatic trim system, but not less than 1.13 V_{SR} and not greater than 1.3 V_{SR};

vi. None.

vii. The High Incidence Protection System adjusted, at the option of the applicant, to allow higher incidence than is possible with the normal production system; and

viii. Starting from the stabilized trim condition, apply the longitudinal control to decelerate the airplane so that the speed reduction does not exceed 1 knot per second.

4. Stall Warning

In lieu of § 25.207, the following requirements apply:

4.1 Normal Operation

If the design meets all conditions of Part 1, paragraph 2 of these special conditions, then the airplane need not provide stall warning during normal operation. The conditions of Part 1, paragraph 2 of these special conditions provide a level of safety equal to the intent of § 25.207, ''Stall Warning'', so the provision of an additional, unique warning device is not required.

4.2 High Incidence Protection System Failure

For any failures of the high incidence protection system that the applicant cannot show to be extremely improbable, and that result in the capability of the system no longer satisfying any part of paragraph 2(a), (b), and (c) of Part 1 of these special conditions, the design must provide stall warning that protects against encountering unacceptable stall characteristics and against encountering stall.

a. This stall warning, with the flaps and landing gear in any normal position, must be clear and distinctive to the pilot and meet the requirements specified in Part 1, paragraphs 4.2(d) and 4.2(e) of these special conditions.

b. The design must also provide this stall warning in each abnormal configuration of the high lift devices that is likely to be used in flight following system failures.

c. The design may furnish this stall warning either through the inherent aerodynamic qualities of the airplane or by a device that will give clearly distinguishable indications under expected conditions of flight. However, a visual stall warning device that requires the attention of the crew within the flight deck is not acceptable by itself. If a warning device is used, it must provide a warning in each of the airplane configurations prescribed in paragraph 4.2(a) and for the conditions prescribed in paragraphs 4.2(d) and 4.2(e) of Part 1 of these special conditions.

d. In non-icing conditions, stall warning must provide sufficient margin to prevent encountering unacceptable stall characteristics and encountering stall in the following conditions:

i. In power off straight deceleration not exceeding 1 knot per second to a speed of 5 knots or 5 percent calibrated airspeed (CAS), whichever is greater, below the warning onset.

ii. In turning flight, stall deceleration at entry rates up to 3 knots per second when recovery is initiated not less than one second after the warning onset.

e. In icing conditions, stall warning must provide sufficient margin to prevent encountering unacceptable characteristics and encountering stall, in power off straight and turning flight decelerations not exceeding 1 knot per second, when the pilot starts a recovery maneuver not less than three seconds after the onset of stall warning.

f. An airplane is considered stalled when the behavior of the airplane gives the pilot a clear and distinctive indication of an acceptable nature that the airplane is stalled. Acceptable indications of a stall, occurring either individually or in combination are:

i. A nose-down pitch that cannot be readily arrested;

ii. Buffeting, of a magnitude and severity that is strong and effective deterrent to further speed reduction; or

iii. The pitch control reaches the aft stop, and no further increase in pitch attitude occurs when the control is held full aft for a short time before recovery is initiated.

g. An aircraft exhibits unacceptable characteristics during straight or turning flight decelerations if it is not always possible to produce and to correct roll

and yaw by unreversed use of aileron and rudder controls, or abnormal nose-up pitching occurs.

5. Handling Characteristics at High Incidence

5.1 High Incidence Handling Demonstrations

In lieu of § 25.201, the following is required:

(a) Maneuvers to the limit of the longitudinal control, in the nose up sense, must be demonstrated in straight flight and in 30-degree banked turns with:

(i) The high incidence protection system operating normally;

(ii) Initial power conditions of:

(1) Power off; and

(2) The power necessary to maintain level flight at 1.5 V_{SR1}, where V_{SR1} is the reference stall speed with flaps in approach position, the landing gear retracted and maximum landing weight.

(iii) None.

(iv) Flaps, landing gear, and deceleration devices in any likely combination of positions;

(v) Representative weights within the range for which certification is requested; and

(vi) The airplane trimmed for straight flight at a speed achievable by the automatic trim system.

(b) The following procedures must be used to show compliance in non-icing and icing conditions:

i. Starting at a speed sufficiently above the minimum steady flight speed to ensure that a steady rate of speed reduction can be established, apply the longitudinal control so that the speed reduction does not exceed 1 knot per second until the control reaches the stop;

ii. The longitudinal control must be maintained at the stop until the airplane has reached a stabilized flight condition and must then be recovered by normal recovery techniques;

iii. Maneuvers with increased deceleration rates;

(1) In non-icing conditions, the requirements must also be met with increased rates of entry to the incidence limit, up to the maximum rate achievable; and

(2) In icing conditions, with the anti-ice system working normally, the requirements must also be met with increased rates of entry to the incidence limit, up to 3 knots per second.

iv. Maneuver with ice accretion prior to operation of the normal anti-ice system.

v. With the ice accretion prior to operation of the normal anti-ice system, the requirement must also be met in deceleration at 1 knot per second up to full back stick.

5.2 Characteristics of High Incidence Maneuvers

In lieu of § 25.203, the following requirements apply:

a. Throughout maneuvers with a rate of deceleration of not more than 1 knot per second, both in straight flight and in 30-degree banked turns, the airplane's characteristics must be as follows:

i. There must not be any abnormal nose-up pitching.

ii. There must not be any uncommanded nose-down pitching, which would be indicative of stall. However, reasonable attitude changes associated with stabilizing the incidence at Alpha limit as the longitudinal control reaches the stop would be acceptable.

iii. There must not be any uncommanded lateral or directional motion and the pilot must retain good lateral and directional control, by conventional use of the controls, throughout the maneuver.

iv. The airplane must not exhibit buffeting of a magnitude and severity that would act as a deterrent from completing the maneuver specified in 5.1(a) of these special conditions.

b. In maneuvers with increased rates of deceleration, some degradation of characteristics is acceptable, associated with a transient excursion beyond the stabilized Alpha-limit. However, the airplane must not exhibit dangerous characteristics or characteristics that would deter the pilot from holding the longitudinal control on the stop for a period of time appropriate to the maneuver.

c. It must always be possible to reduce incidence by conventional use of the controls.

d. The rate at which the airplane can be maneuvered from trim speeds associated with scheduled operating speeds such as V_2 and $V_{REF,}$ up to Alpha-limit, must not be unduly damped or be significantly slower than can be achieved on conventionally controlled transport airplanes.

5.3 Characteristics up to Maximum Lift Angle of Attack

In lieu of § 25.201, the following requirements apply:

a. In non-icing conditions:

Maneuvers with a rate of deceleration of not more than 1 knot per second up to the angle of attack at which V_{CLmax} was obtained, as defined in paragraph 3 of Part 1 of these special conditions, must be demonstrated in straight flight and in 30-degree banked turns in the following configurations:

i. The high incidence protection deactivated or adjusted, at the option of the applicant, to allow higher incidence than is possible with the normal production system;

ii. Automatic thrust increase system inhibited (if applicable);

iii. Engines idling;

iv. Flaps and landing gear in any likely combination of positions; and

v. The airplane trimmed for straight flight at a speed achievable by the automatic trim system.

b. In icing conditions:

Maneuvers with a rate of deceleration of not more than 1 knot per second up to the maximum angle of attack reached during maneuvers from paragraph 5.1(b)(iii)(2) of these special conditions must be demonstrated in straight flight with:

i. The high incidence protection deactivated or adjusted, at the option of the applicant, to allow higher incidence than is possible with the normal production system;

ii. Automatic thrust increase system inhibited (if applicable);

iii. Engines idling;

iv. Flaps and landing gear in any likely combination of positions;

v. The airplane trimmed for straight flight at a speed achievable by the automatic trim system.

c. During the maneuvers used to show compliance with paragraphs 5.3(a) and (b) of these special conditions the airplane must not exhibit dangerous characteristics and it must always be possible to reduce angle of attack by conventional use of the controls. The pilot must retain good lateral and directional control, by conventional use of the controls, throughout the maneuver.

6. Atmospheric Disturbances

Operation of the high incidence protection system must not adversely affect aircraft control during expected levels of atmospheric disturbances, nor impede the application of recovery procedures in case of wind-shear. This must be demonstrated in non-icing and icing conditions.

7. Proof of Compliance

In lieu of § 25.21(b), ''[Reserved],'' the design must meet the following requirement:

(b) The flying qualities must be evaluated at the most unfavorable center-of-gravity position.

8. Sections 25.145(a), 25.145(b)(6), and 25.1323(d)

The design must meet the following modified requirements:

- For § 25.145(a), ''V_{min}'' in lieu of ''stall identification.''

• For § 25.145(b)(6), ''V_{min}'' in lieu of ''V_{SW}.''

• For § 25.1323(d), ''From 1.23 V_{SR} to V_{min} . . .,'' in lieu of ''1.23 V_{SR} to stall warning speed . . .,'' and, ''. . . speeds below V_{min} . . .'' in lieu of ''. . . speeds below stall warning . . . .''

Part II: Credit for Robust Envelope Protection in Icing Conditions

The following special conditions are in lieu of the specified paragraphs of § § 25.103, 25.105, 25.107, 25.121, 25.123, 25.125, 25.143, and 25.207.

1. In lieu of § 25.103, define the stall speed as provided in Part I, paragraph 3 of these special conditions.

2. In lieu of § 25.105(a)(2)(i), the following applies:

(i) The V_2 speed scheduled in non-icing conditions does not provide the maneuvering capability specified in § 25.143(h) for the takeoff configuration, or apply 25.105(a)(2)(ii) unchanged.

3. In lieu of § 25.107(c′) and (g′), the following apply, with additional sections (c′) and (g′):

(c) In non-icing conditions, V_2, in terms of calibrated airspeed, must be selected by the applicant to provide at least the gradient of climb required by § 25.121(b), but may not be less than—

(1) V_{2MIN};

(2) V_R plus the speed increment attained (in accordance with § 25.111(c)(2)) before reaching a height of 35 feet above the takeoff surface; and

(3) A speed that provides the maneuvering capability specified in § 25.143(h).

(c′) In icing conditions with the ''takeoff ice'' accretion defined in part 25, appendix C, V_2 may not be less than—

(1) The V_2 speed determined in non-icing conditions; and

(2) A speed that provides the maneuvering capability specified in § 25.143(h).

(g) In non-icing conditions, V_{FTO}, in terms of calibrated airspeed, must be selected by the applicant to provide at least the gradient of climb required by § 25.121(c), but may not be less than—

(1) 1.18 V_{SR}; and

(2) A speed that provides the maneuvering capability specified in § 25.143(h).

(g′) In icing conditions with the ''final takeoff ice'' accretion defined in part 25, appendix C, V_{FTO} may not be less than—

(1) The V_{FTO} speed determined in non-icing conditions.

(2) A speed that provides the maneuvering capability specified in § 25.143(h).

4. In lieu of §§ 25.121(b)(2)(ii)(A), 25.121(c)(2)(ii)(A), and 25.121(d)(2)(ii), the following apply:

In lieu of § 25.121(b)(2)(ii)(A):

(A) The V_2 speed scheduled in non-icing conditions does not provide the maneuvering capability specified in § 25.143(h) for the takeoff configuration; or

In lieu of § 25.121(c)(2)(ii)(A):

(A) The V_{FTO} speed scheduled in non-icing conditions does not provide the maneuvering capability specified in § 25.143(h) for the en-route configuration; or

In lieu of § 25.121(d)(2)(ii):

(d)(2) The requirements of subparagraph (d)(1) of this paragraph must be met:

(ii) In icing conditions with the approach ice accretion defined in 14 CFR part 25, appendix C, in a configuration corresponding to the normal all-engines-operating procedure in which $V_{min}1g$ for this configuration does not exceed 110 percent of the $V_{min}1g$ for the related all-engines-operating landing configuration in icing, with a climb speed established with normal landing procedures, but not more than 1.4 V_{SR} (V_{SR} determined in non-icing conditions).

5. In lieu of § 25.123(b)(2)(i), the following applies:

(i) The minimum en-route speed scheduled in non-icing conditions does not provide the maneuvering capability specified in § 25.143(h) for the en-route configuration; or

6. In lieu of § 25.125(b)(2)(ii)(B) and § 25.125(b)(2)(ii)(C), the following applies:

(B) A speed that provides the maneuvering capability specified in § 25.143(h) with the approach ice accretion defined in 14 CFR part 25, appendix C.

7. In lieu of § 25.143(j)(2)(i), the following applies:

(i) The airplane is controllable in a pull-up maneuver up to 1.5 g load factor or lower if limited by angle-of-attack protection.

8. In lieu of § 25.207, ''Stall warning,'' to read as the requirements defined in these special conditions Part I, paragraph 4.

Issued in Des Moines, Washington, on April 25, 2018.

Suzanne Masterson,

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

[FR Doc. 2018–09126 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2017–1109; Airspace Docket No. 17–ASO–22]

RIN 2120–AA66

Amendment for Restricted Area R–4403A; Stennis Space Center, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the time of designation for restricted area R–4403A, Stennis Space Center, MS, from ''Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance,'' to ''Intermittent by NOTAM at least 24 hours in advance.'' The National Aeronautics and Space Administration (NASA) requested the change to meet requirements of the Space Launch System (SLS) Core Stage test program.

DATES: Effective date 0901 UTC, July 19, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 supports a change to restricted area R–4403A, Stennis Space Center, MS, to safely accommodate NASA test programs.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** for Docket No. FAA–2017–1109 (83 FR 1319; January 11, 2018). The NPRM proposed to amend the time of designation for restricted area R–4403A, Stennis Space Center,

MS, from ''Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance,'' to ''Intermittent by NOTAM at least 24 hours in advance.'' Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

The Rule

The FAA is amending 14 CFR part 73 by changing the time of designation for restricted area R–4403A, Stennis Space Center, MS, from ''Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance,'' to ''Intermittent by NOTAM at least 24 hours in advance.''

This change is required to provide the additional restricted area activation time needed to accommodate NASA's SLS Core Stage engine testing program. The current boundaries and designated altitude for R–4403A remain unchanged. Additionally, this action does not affect restricted areas R–4403B, C, E, or F (Note: there is no ''D'' subdivision).

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. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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, does 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 determined the modification of restricted area R–4403A, Stennis Space Center, MS, to be within the scope of the Navy and NASA's Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Redesignation and Expansion of Restricted Airspace R–4403 to Support Military Air-To-Ground Munitions Training and NASA Rocket Engine Testing At Stennis Space Center, Mississippi dated November 24, 2015; and the FAA's decision document adopting the airspace portion of the above cited EA titled ''Federal Aviation Administration, Adoption of the Environmental Assessment and FONSI/ROD for Redesignation and Expansion of Restricted Airspace R–4403, Stennis Space Center, Hancock and Pearl River County, MS, and St Tammany Parrish, LA, signed on March 22, 2016; and that no further environmental review is required.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.44 [Amended]

■ 2. Section 73.44 is amended as follows:

* * * * *

R–4403A Stennis Space Center, MS [Amended]

By removing ''Time of Designation. Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance,'' and adding in their place:

Time of designation. Intermittent by NOTAM at least 24 hours in advance.

Issued in Washington, DC, on April 24, 2018.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–09101 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Secret Service

31 CFR Part 408

Restricted Buildings and Grounds

AGENCY: U.S. Secret Service, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This final rule repeals outdated U.S. Secret Service (''USSS'') regulations concerning the designation of and access to a temporary residence of the President or other USSS protectee. Due to amendments to the relevant statutory authority, the USSS regulations are no longer necessary. This final rule removes these outdated regulations, thereby bringing the CFR into alignment with the terms of the statutory authority and eliminating unnecessary provisions.

DATES: *Effective Date:* May 1, 2018.

FOR FURTHER INFORMATION CONTACT: Catherine Milhoan, USSS Office of Government and Public Affairs, (202) 406–5708.

SUPPLEMENTARY INFORMATION:

Background

As part of the Omnibus Crime Control Act of 1970, Congress enacted 18 U.S.C. 1752 (Temporary residence of the President) (''Section 1752''), making it unlawful to willfully and knowingly enter or remain in any building or grounds designated by the Secretary of the Treasury as a temporary residence of the President or the temporary offices of the President and his staff. Public Law 91–644, Title V, Sec. 18, 84 Stat. 1891–92 (Jan. 2, 1971). Subsection (d) of Section 1752 further authorized the Secretary of the Treasury:

(1) To designate by regulation the buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and

(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting.

Department of Treasury regulations designating the temporary residence of the President and the temporary offices of the President and his staff and governing ingress and egress to those buildings and grounds are set forth in Chapter IV, part 408 of title 31 of the Code of Federal Regulations and consist of sections 408.1–408.3 (31 CFR 408.1–408.3). Section 1752 has been amended several times since its enactment in 1971. For example, amendments in 1982 modified subsection (d) to include the authority to issue regulations concerning the residences of USSS protectees in addition to the President. But further modifications in 2006 have eliminated the need for implementing regulations and have removed provisions regarding the issuance of regulations.

Need for Correction

In 2006, the Secret Service Authorization and Technical Modification Act of 2005, Public Law 109–177, Title VI, Sec. 602, 120 Stat. 252 (Mar. 9, 2006), amended Section 1752 to eliminate any reference to regulations. Subsection (d), which

authorized the Secretary of the Treasury to issue regulations, was stricken. References to residences as ''designated'' were also eliminated throughout the text. Instead, the offense conduct was described as willfully and knowingly entering or remaining in any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the USSS is or will be temporarily visiting or in any posted, cordoned off, or otherwise restricted area of a building or grounds so restricted in conjunction with an event designated as an event of national significance. With those amendments, the regulations found at 31 CFR part 408 became obsolete.

While Section 1752 was amended again in 2012, the authorization to the promulgate regulations was not reintroduced, and the statute in its current form makes no reference to regulation. Those amendments, made in the Federal Restricted Buildings and Grounds Improvement Act of 2011, Public Law 112–98, Sec. 2, 126 Stat. 263 (Mar. 8, 2012), reflect the most recent expression of Congressional intent. As in 2006, the 2012 amendments to Section 1752 reflect that the offense conduct is fully described in the text of the statute itself. Rather than identifying restricted residences and offices through regulation, the 2012 statutory amendments define those venues as any posted, cordoned off, or otherwise restricted of the White House or its grounds, the Vice President's official residence and its grounds, the building or grounds where a Secret Service protectee is or will be temporarily visiting, or a building or grounds that is restricted in conjunction with an event designated as a special event of national significance. There have been no amendments to Section 1752 since 2012.

The regulations found in part 408 were not removed after the enactment of the Secret Service Authorization and Technical Modification Act of 2005 or the Federal Restricted Buildings and Grounds Improvement Act of 2011. The regulations have also not been updated since 1984, well before the statutory language was changed in 2006 to eliminate all references to regulation. For instance, the regulations currently list the President's designated temporary residence in Santa Barbara County, California, as it was in the Reagan Administration.

The existing regulations are now obsolete and retaining them maintains an inconsistency between the terms of the statute itself and the outdated regulations. As a result, USSS is repealing part 408 in its entirety. This change will align the provisions of the CFR with the express language of the statute and eliminate any potential confusion as to the offense conduct at issue in Section 1752.

Executive Orders 13563, 12866, and 13771

Executive Orders 13563 and 12866 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs'') directs agencies to reduce regulation and control regulatory costs. This rule is not a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget has not reviewed this regulation.

DHS considers this final rule to be an Executive Order 13771 deregulatory action. *See* OMB's Memorandum titled ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017).

This rule will serve to remove obsolete provisions and will eliminate any inconsistency between the offense conduct set forth in Section 1752 and the outdated regulatory provisions. This rule will not affect the current application of the terms of the statute. Instead, the rule will provide greater clarity for the public of its application. Therefore, this rule will not impose any costs on USSS or the public. DHS believes that removing the obsolete regulations will reduce confusion for the public and that streamlining the regulations will provide non-monetized efficiencies.

Inapplicability of Notice and Delayed Effective Date

Pursuant to 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (APA), an agency may, for good cause, find that notice and public comment procedure on a rule is impracticable, unnecessary, or contrary to the public interest. Part 408 of 31 CFR contains obsolete regulations, which are no longer required pursuant to statutory authority. Further, USSS believes that maintaining outdated regulations causes confusion for the public. Therefore, USSS has determined that it would be unnecessary and contrary to the public interest to delay publication of this rule in final form pending an opportunity for public comment.

Under 5 U.S.C. 553(d)(3) of the APA, USSS has, for the same reasons, determined that there is good cause for this final rule to become effective immediately upon publication. USSS currently applies the terms of Section 1752 as they appear in the text of the statute as a matter of law. The repeal of obsolete regulations will serve to align the Code of Federal Regulations with the terms of the authorizing statute itself.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people). The Regulatory Flexibility Act applies only to rules subject to notice and comment rulemaking requirements under the APA or any other law (5 U.S.C. 553(a)(2)). Because this rule is not subject to such notice and comment rulemaking requirements, the provisions of the Regulatory Flexibility Act do not apply. However, as discussed above in the ''Executive Orders 13563, 12866, and 13771'' section, this rule will impose no costs on the public, including small entities, because it merely eliminates outdated USSS regulations.

Signing Authority

Prior to March 1, 2003, USSS was a component of the Department of the Treasury. On November 25, 2002, the President signed the Homeland Security Act of 2002, 6 U.S.C. 101 *et seq.,* Public Law 107–296, (the ''HSA''), establishing the Department of Homeland Security (''DHS''). Pursuant to section 821 of the HSA, the USSS was transferred from Treasury to DHS effective March 1, 2003. Accordingly, this final rule to repeal Treasury regulations impacting USSS functions may be signed by the Secretary of Homeland Security.

List of Subjects in 31 CFR Part 408

Federal buildings and facilities, Security measures.

PART 408—[REMOVED AND RESERVED]

■ Under 18 U.S.C. 1752 and for the reasons discussed in the preamble, amend 31 CFR chapter IV by removing and reserving part 408.

Claire M. Grady,

Acting Deputy Secretary.

[FR Doc. 2018–09230 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–18–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG 2017–1080]

RIN 1625–AA00

Safety Zone; Sabine River, Orange, Texas

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Sabine River, shoreline to shoreline, adjacent to the public boat ramp located in Orange, TX. This action is necessary to protect persons and vessels from hazards associated with a high speed boat race competition in Orange, TX. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Port Arthur.

DATES: This rule is effective from 8:30 a.m. on May 19, 2018 through 6 p.m. on May 20, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–1080 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Scott Whalen, Marine Safety Unit Port Arthur, U.S. Coast Guard; telephone 409–719–5086, email *Scott.K.Whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Port Arthur
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Patrol Commander
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This safety zone must be established by May 19, 2018 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the dates of the high speed boat races and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to public interest because immediate action is needed to protecting participants, spectators, and other persons and vessels from the potential hazards during a high speed boat race on a navigable waterway.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Marine Safety Unit Port Arthur (COTP) has determined that the potential hazards associated with high speed boat races are a safety concern for vessels operating on the Sabine River. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the safety zone. This rule is needed to protect all waterway users, including event participants and spectators, before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8:30 a.m. through 6 p.m. each day on from May 19, 2018 through May 20, 2018. The safety zone covers all navigable waters of the Sabine River, extending the entire width of the river, adjacent to the public boat ramp located in Orange, TX bounded by the Navy Pier One at latitude 30°05′50″ N to the north and latitude 30°05′33″ N to the south. The duration of the safety zone is intended to protect participants, spectators, and other persons and vessels, in the navigable waters of the Sabine River during the high speed boat races and will include breaks and opportunity for vessels to transit through the regulated area.

No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. They may be contacted on VHF–FM channel 13 or 16, or by telephone at 409–719–5070. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP or a designated representative to patrol the zone. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators.

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

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

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

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. This safety zone encompasses a less than half-mile stretch of the Sabine River for nine and a half hours on each of two days. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNMs) via VHF–FM marine channel 16 about the zone, daily enforcement periods will include breaks that will provide an opportunity for vessels to transit through the regulated area, and the rule allows vessel to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting nine and a half hours on each of two days that will prohibit entry on less than a one-half mile stretch of the Sabine River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–1080 to read as follows:

§ 165.T08–1080 Safety Zone; Sabine River, Orange, Texas.

(a) *Location.* The following area is a safety zone: all navigable waters of the Sabine River, extending the entire width of the river, adjacent to the public boat ramp located in Orange, TX bounded by the Navy Pier One at latitude 30°05′50″ N to the north and latitude 30°05′33″ N to the south.

(b) *Effective period.* This section is effective from 8:30 a.m. on May 19, 2018 through 6 p.m. on May 20, 2018.

(c) *Enforcement periods.* This section will be enforced from 8:30 a.m. through 6 p.m. daily. Breaks in the racing will occur during the enforcement periods, which will allow for vessels to pass through the safety zone. The Captain of the Port Marine Safety Unit Port Arthur (COTP) or a designated representative will provide notice of breaks as appropriate under paragraph (e) of this section.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of vessels or persons into this zone is prohibited unless authorized by the COTP or a designated representative. They may be contacted on VHF–FM channel 13 or 16, or by phone at by telephone at 409–719–5070. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

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

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

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

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

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

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

(8) The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: April 24, 2018.

Jacqueline Twomey,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Unit Port Arthur.

[FR Doc. 2018–09122 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0118]

RIN 1625–AA00

Safety Zone, Volvo Ocean Race Newport; East Passage, Narragansett Bay, RI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the East Passage, Narragansett Bay, RI, during the Volvo Ocean Race Newport marine event from May 17 to May 21, 2018. This safety zone is intended to safeguard mariners from the hazards associated with high-speed, high-performance sailing vessels competing in inshore races on the waters of the East Passage, Narragansett Bay, RI. Vessels will be prohibited from entering into, transiting through, mooring, or anchoring within this safety zone during periods of enforcement unless authorized by the Captain of the Port (COTP), Southeastern New England or the COTP's designated representative or Patrol Commander (PATCOM).

DATES: This rule is effective from 11 a.m. May 17, 2018 through 7 p.m. May 21, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0118 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Arthur Frooks, Waterways Management Division, Sector Southeastern New England, U.S. Coast Guard; telephone 401–435–2355, email *Arthur.E.Frooks@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
TFR Temporary Final Rule
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and

opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) because it is impractical to provide and publish an NPRM with a full comment period. This safety zone is necessary to ensure the safety of vessels and persons in the East Passage before, during, and after the event. It is impractical to publish an NPRM, request comment, and then publish a final rule as this safety zone must be effective by May 17, 2018.

Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because, in order to protect persons and vessels from the dangers associated with the scheduled event, it is necessary the safety zone is established by May 17, 2018.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port (COTP) Southeastern New England has determined that the Newport Volvo Ocean Race presents a potential safety concern to vessels, people, and the navigable waters of the East Passage of Narragansett Bay in the vicinity of Newport, R.I. This event is part of a world-wide race and it is expected to generate national and international media coverage, in addition to spectators on a number of recreational and excursion vessels. As a result, this rule is needed to ensure the safety of vessels and the navigable waters in the East Passage before, during, and after the scheduled event.

IV. Discussion of the Rule

The Coast Guard is establishing this safety zone, in conjunction with the Volvo Ocean Race Newport, to ensure the protection of the maritime public and event participants from the hazards associated with large-scale marine events. This safety zone is of similar dimension and duration to the one established in 2015. The safety zone will extend from an east-west line across the East Passage of Narragansett Bay at the Newport Pell Bridge south to the COLREGS demarcation line between Brenton Pt and Beavertail Pt. The safety zone will be enforced only during times of actual sailing vessel racing.

The East Passage of Narragansett Bay is the site of many marine events each year. As a result, vessel traffic, particularly recreational vessel traffic, is frequently required to utilize the West Passage of Narragansett Bay. Accordingly, the West Passage of Narragansett Bay may be a viable option for recreational vessels as well as many tug/barge combinations and smaller commercial vessels during the Volvo Ocean Race Newport.

Regardless, the Coast Guard anticipates that some commercial and/or recreational vessels may still need to transit the East Passage of Narragansett Bay for a variety of reasons, including destination, familiarity with the waterway, tide restrictions, etc. Vessels may be able to continue transits through the East Passage, even during enforcement of the safety zone, as there may be sufficient room for most recreational vessels, and some commercial vessels, to pass to the west of the safety zone. Also, the Coast Guard routinely works with the local marine pilot organization and shipping agents to coordinate vessel transits during marine events in the East Passage, and will continue to do so for the entire event to avoid major interruptions to shipping schedules.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. We expect the adverse economic impact of this rule to be minimal. Although this regulation may have some adverse impact on the public, the potential impact will be minimized for the following reasons: the safety zone will be in effect for a maximum of eight hours each day for five consecutive days; vessels will only be restricted from the zone in the East Passage of Narragansett Bay during those limited periods when the races are actually ongoing; during periods when there is no actual racing (*e.g.,* racing vessels transiting from the pier to the racing site, downtime between races, etc.) vessels may be allowed to transit through the safety zone; there is an alternate route, the West Passage of Narragansett Bay, that does not add substantial transit time, is already routinely used by mariners, and will not be affected by this safety zone; many vessels, especially recreational vessels, will still have sufficient room to transit the affected waterway; and vessels may enter or pass through the safety zone with the permission of the COTP or the COTP's representative.

Notification of the Volvo Ocean Race Newport and the associated safety zone will be made to mariners through the Rhode Island Port Safety Forum, Local Notice to Mariners, event sponsors, and local media well in advance of the event.

B. Impact on Small Entities

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

This rule will affect the following entities, some of which might be small entities: owners or operators of vessels intending to transit, fish, or anchor in the East Passage of Narragansett Bay, RI, during the Volvo Ocean Race Newport sailing races.

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

FOR FURTHER INFORMATION CONTACT section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a temporary safety zone in conjunction with the four-day Volvo Ocean Race Newport event and a fifth day reserved as a ''rain date'' should inclement weather delay scheduled races. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination will be available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0118 to read as follows:

§ 165.T01–0118 Safety Zone for Volvo Ocean Race Newport, East Passage, Narragansett Bay, RI.

(a) *Location.* The following area is a safety zone: From an east-west line across the East Passage of Narragansett Bay at the Newport Bridge south to the COLREGS demarcation line between Brenton Pt and Beavertail Pt.

(b) *Enforcement period.* Vessels will be prohibited from entering this safety zone, when enforced, during the Volvo Ocean Race Newport sailing vessel racing events each day between 11 a.m. and 7 p.m. from Thursday, May 17, 2018 to Monday, May 21, 2018.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A ''designated representative'' is any Coast Guard commissioned, warrant, petty officer, or designated Patrol Commander of the U.S. Coast Guard who has been designated by the Captain of the Port, Sector Southeastern New England (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Patrol commander.* The Coast Guard may patrol this safety zone under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM.''

(4) *Spectators.* Includes persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) *Regulations.* (1) The general regulations contained in § 165.23 as well as the following regulations apply to the safety zone established in conjunction with the Volvo Ocean Race Newport, East Passage, Narragansett Bay, Newport, RI. These regulations may be enforced for the duration of the event.

(2) Approximately one hour prior to race start time each day of the event, the Coast Guard will announce via Safety Marine Information Broadcasts and local media the times and duration of each sailing race scheduled for that day, including the precise area(s) of the safety zone that will be enforced.

(3) Vessels may not transit through or within the safety zone during periods of enforcement without Patrol Commander approval. Vessels permitted to transit must operate at a no-wake speed, in a manner which will not endanger participants or other crafts in the event.

(4) Spectators or other vessels shall not anchor, block, loiter, or impede the movement of event participants or official patrol vessels in the safety zone unless authorized by an official patrol vessel.

(5) The Patrol Commander may control the movement of all vessels in the safety zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the lawful directions issued. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(6) The Patrol Commander may delay or terminate the Volvo Ocean Race at any time to ensure safety. Such action may be justified as a result of weather, traffic density, spectator actions, or participant behavior.

Dated: April 16, 2018.

R.J. Schultz,

Captain, U.S. Coast Guard, Captain of the Port Southeastern New England.

[FR Doc. 2018–09187 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0304]

RIN 1625–AA00

Safety Zone; Housatonic River, Milford and Stratford, CT

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Housatonic River. This action is necessary to provide for the safety of life on these navigable waters near Milford and Stratford, CT, during a wire replacement project on the Devon Railroad Bridge. Entry of vessels or people into the safety zone is prohibited unless authorized by the Captain of the Port Long Island Sound or a designated representative. The safety zone will only be enforced during wire replacement operations or other instances which may create a hazard to navigation.

DATES: This rule is effective without actual notice from May 1, 2018 through May 15, 2018. For the purposes of enforcement, actual notice will be used from April 5, 2018 through May 1, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0304 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Chief Petty Officer Katherine Linnick, Prevention Department, U.S. Coast Guard Sector Long Island Sound, telephone (203) 468–4565, email *Katherine.E.Linnick@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LIS Long Island Sound
NPRM Notice of Proposed Rulemaking
NAD 83 North American Datum 1983

II. Background Information and Regulatory History

On March 19, 2018, Sector Long Island Sound was made aware of an emergency wire replacement project for the Devon Railroad Bridge over the Housatonic River near Stratford and Milford, CT. The Captain of the Port (COTP) Long Island Sound has determined that the potential hazards associated with the wire replacement project could be a safety concern for anyone within the safety zone.

The project runs from April 5, 2018 through May 15, 2018. During this project, CIANBRO Construction work boats will be in place to remove frayed guy wires currently spanning between two high towers above the Devon Railroad Bridge. Once the frayed guy wires are removed, CIANBRO Construction work boats will stretch new replacement guy wires across the navigable channel and will hoist the wires to the top of the high towers via a pull rope attached to a work boat, starting on the west side of the river, then finishing on the east side of the river. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Long Island Sound or a designated representative. The safety zone will be enforced only when wires, cables, and rigging equipment are stretched across the navigable channel at low elevations during the wire replacement project or when other hazards to navigation arise. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 twenty-four (24) hours in advance to any period of enforcement or as soon as practicable in response to an emergency. If the project is completed prior to May 15, 2018, enforcement of the safety zone will be suspended and notice given via Broadcast Notice to Mariners.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The late finalization of project details did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the wire replacement project is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to protect the safety of the public and waterway users.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The legal basis for this temporary rule is 33 U.S.C. 1231. The COTP Long Island Sound has determined that potential hazards associated with the wire replacement project, which runs from April 5, 2018 through May 15, 2018, will be a safety concern for anyone on the navigable waters within 100 yards of the wire replacement project. This rule is needed to protect people, vessels, and the marine environment within the safety zone until the wire replacement project is completed.

IV. Discussion of the Rule

This rule establishes a safety zone from 6:00 a.m. on April 5, 2018 through 6:00 p.m. on May 15, 2018. The safety zone will cover all navigable waters of the Housatonic River near Milford and Stratford, CT contained within the following area: Beginning at a point on land in position at 41°12′14.5″ N, 073°06′40.8″ W south of the Governor John Davis Lodge Turnpike (I–95) Bridge; then northeast across the Housatonic River to a point on land in position at 41°12′17.7″ N, 073°06′29.1″ W south of the Governor John Davis Lodge Turnpike (I–95) Bridge; then northwest along the shoreline to a point

on land in position at 41°12′25″ N, 073°06′31″ W; then southwest across the Housatonic River to a point on land in position at 41°12′22″ N, 073°06′43″ W; then southeast along the shoreline back to point of origin (NAD 83). All positions are approximate.

The duration of the safety zone is intended to ensure the safety of vessels on the navigable waters within this zone before, during, and after each wire and cable suspension operation, or during any instance that necessitates a temporary closure of the Housatonic River at the project site. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Long Island Sound or a designated representative.

The Coast Guard will notify the public and local mariners of this safety zone through appropriate means, which may include, but are not limited to, publication in the **Federal Register**, the Local Notice to Mariners, and Broadcast Notice to Mariners via VHF–FM marine channel 16 twenty-four (24) hours in advance of any scheduled enforcement period. The regulatory text we are enforcing appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and enforcement of the safety zone. The safety zone will impact only a small designated portion on the Housatonic River for 41 days. Although vessels will not be able to transit around this safety zone, this waterway is typically transited by small recreational craft on an infrequent basis prior to Memorial Day Weekend. Additionally, the safety zone will only be enforced when the wire replacement project necessitates closure of the waterway or during an emergency. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and any periods of enforcement. Moreover, the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit this safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This temporary rule creates a safety zone lasting 41 days. During those 41 days, the safety zone will be enforced only when the wire replacement project necessitates closure of the waterway or during an emergency. It is categorically excluded from further review under paragraph

L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination will be available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0304 to read as follows:

§ 165.T01–0304 Safety Zone; Housatonic River, Milford and Stratford, CT.

(a) *Location.* The following area is a safety zone: All navigable waters of the Housatonic River near Milford and Stratford, CT contained within the following area: Beginning at a point on land in position at 41°12′14.5″ N, 073°06′40.8″ W south of the Governor John Davis Lodge Turnpike (I–95) Bridge; then northeast across the Housatonic River to a point on land in position at 41°12′17.7″ N, 073°06′29.1″ W south of the Governor John Davis Lodge Turnpike (I–95) Bridge; then northwest along the shoreline to a point on land in position at 41°12′25″ N, 073°06′31″ W; then southwest across the Housatonic River to a point on land in position at 41°12′22″ N, 073°06′43″ W; then southeast along the shoreline back to point of origin (NAD 83). All positions are approximate.

(b) *Effective and Enforcement period.* This rule is effective from 6:00 a.m. on April 5, 2018 to 6:00 p.m. on May 15, 2018. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 twenty-four (24) hours prior to any scheduled period of enforcement or as soon as practicable in response to an emergency.

(c) *Definitions.* The following definitions apply to this section:

(1) A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port Long Island Sound (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer.

(2) An ''Official patrol vessel'' may be any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Long Island Sound. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(d) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter or remain in the safety zone described in paragraph (a) of this section unless authorized by the COTP or one of the COTP's designated representatives.

(2) Any vessel that is granted permission by the COTP or a designated representative must proceed through the area with caution and operate at a speed no faster than necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(3) Any person or vessel permitted to enter the safety zone shall comply with the directions and orders of the COTP or a designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the safety zone shall exit the zone when directed by the COTP or a designated representative.

(4) To seek permission to enter or remain in the safety zone, individuals may reach the COTP or a designated representative via Channel 16 (VHF–FM) or at 203–468–4401 (Sector Long Island Sound command center).

Dated: April 4, 2018.

K.B. Reed,

Commander, U.S. Coast Guard, Acting Captain of the Port Long Island Sound.

[FR Doc. 2018–09186 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90; FCC 18–37]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) for the period beginning January 1, 2017, increases the amount of operating costs that carriers that predominantly serve Tribal lands can recover from the universal service fund (USF) in recognition that they are likely to have higher costs than carriers not serving Tribal lands. This action will provide additional funding to these carriers to provide both voice and broadband services to their customers.

DATES: Effective May 31, 2018.

FOR FURTHER INFORMATION CONTACT: Suzanne Yelen, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in WC Docket Nos. 10–90; FCC 18–37, adopted on March 27, 2018 and released on April 5, 2018. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW, Washington, DC 20554 or at the following internet address: *https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0405/FCC-18-37A1.pdf.*

Synopsis

I. Introduction

1. In this Report and Order (Order), for the period beginning January 1, 2017, the Commission increases the amount of operating costs that carriers that predominantly serve Tribal lands can recover from the universal service fund (USF) in recognition that they are likely to have higher costs than carriers not serving Tribal lands. This action will provide additional funding to these carriers to provide both voice and broadband services to their customers.

2. In March 2016, the Commission adopted the Rate-of-Return Reform Order and FNPRM establishing a new mechanism for the distribution of Connect America Fund support in rate-of-return areas. In the March 2016 *Rate-of-Return Reform Order and Further Notice of Proposed Rulemaking (FNPRM),* 81 FR 24282, April 25, 2016

and 81 FR 21511, April 12, 2016, the Commission adopted a limitation on the amount of operating expenses (opex) for which rate-of-return carriers may receive high-cost support, such that each carrier's opex eligible for high-cost support is limited to a regression model-generated opex per location plus 1.5 standard deviations. In the *FNPRM,* the Commission asked whether the opex limitations should be modified for carriers serving Tribal lands.

3. The Commission is persuaded based on the record before us that there is good reason to increase the opex limitation for carriers receiving legacy high-cost support that primarily serve Tribal lands because of the increased costs of providing service on Tribal lands. Both the National Tribal Telecommunications Association (NTTA) and Gila River Telecommunications, Inc. (GRTI) cite a number of unique costs faced by carriers serving Tribal lands. They explain that carriers generally must invest significant time and financial resources in securing rights-of-way and easements to install new broadband facilities on Tribal lands due to the number of permissions that must be obtained. Such permissions include the consent of multiple owners of allotted lands, as well as the consent of Tribal authorities, the Bureau of Indian Affairs (BIA), and other administrators and managers of Native trust lands. In some cases, letters of support from Tribal villages in or near the construction areas are also required. NTTA and GRTI represent that the process of obtaining Tribal cultural clearances, as well as the cost of compliance with the Archeological Resources Protection Act of 1979 and the National Historic Preservation Act of 1966, and coordination of National Environmental Protection Act compliance with BIA, are often significant. Commenters also point out that Tribal sovereignty issues require additional negotiation and legal review, that many Tribes require that qualified members of the Tribe be given preference in hiring and promotion, and that some Tribal authorities require construction observation by a Tribal member. In sum, the Commission is persuaded based on the record before us that there are unique costs associated with serving Tribal lands that warrant revisiting the opex limit adopted by us for this subset of carriers. Therefore, the Commission relaxes the opex limit for those study areas most in need where a majority of the housing units are on Tribal lands, as determined by the Bureau using U.S. Census data.

4. The Commission declines at this time to remove the opex limitation altogether and instead raise the limitation to 2.5 standard deviations above the regression-determined amount for those carriers that qualify subject to the criteria set out below. All carriers, including those that predominantly serve Tribal lands, should have incentives to prudently manage their operating expenditures. Although the Commission finds that carriers serving Tribal lands have expenses that are significantly greater than those serving non-Tribal lands, commenters have failed to show in this circumstance that there is no need for any opex limitation. Taking into account that factor, and mindful of the generally higher costs of serving Tribal lands, the Commission therefore decides that carriers whose opex limit will be relaxed will have their opex limitation raised to 2.5 standard deviations above the regression-determined amount. For example, as shown below, a carrier with $20,000 in opex costs and 58 percent of its opex eligible for support will now have 89 percent of its opex eligible for support. Moreover, when other carrier costs, such as taxes and capital expenses are considered, the opex limitation has a small effect on a carrier's revenue requirement.

	Opex costs	OPEX cost percent eligible for support	Allowed opex costs (opex costs * eligible percent)	Other carrier costs	Revenue requirement
No Opex Limitation	$20,000	100	$20,000	$15,000	$35,000
1.5 Standard Deviations	20,000	58	11,600	15,000	26,600
2.5 Standard Deviations	20,000	89	17,712	15,000	32,712

5. In addition, the Commission limits this relief to those carriers meeting the following conditions. First, the carrier has not deployed broadband service of 10 Mbps download/1 Mbps upload to 90 percent or more of the housing units on the Tribal lands in its study area. Second, unsubsidized competitors have not deployed broadband service of 10 Mbps download/1 Mbps upload to 85 percent or more of the housing units on the Tribal lands in its study area. The Commission believes that these conditions will limit this relief to those carriers with the greatest need to accelerate broadband deployment.

6. All universal service support must be necessary and reasonable for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission understands that some carriers serving Tribal lands may have significant sources of telecommunications-associated revenue which is passed through to a tribe or may have particular costs imposed by a tribe. The Commission expects Tribal carriers to be able to demonstrate in the event such revenue or costs are questioned that in fact the revenues or cost are necessary and reasonable for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

7. Bureau staff estimates in 2017 and/or 2018 that five carriers that have been affected by the opex cap are eligible for the relief. The Commission concludes that a 2.5 standard deviation limit will still provide an incentive for eligible carriers to avoid imprudent or unnecessary expenses, while recognizing the higher costs associated with providing service on Tribal lands. Because we determine that an opex limit of 2.5 standard deviations is appropriate for those study areas where a majority of the housing units are on Tribal lands and that meet our other conditions, we direct the Universal Service Administrative Company (USAC) to use the 2.5 standard deviation metric for these study areas for support calculations for the period beginning January 1, 2017, when the opex limitation was implemented.

II. Procedural Matters

A. Paperwork Reduction Act

8. This document does not contain new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or 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).

B. Congressional Review Act

9. The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

10. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analyses (IRFA) was incorporated in the *Rate-of-Return Reform Order and/or FNPRM.* The Commission sought written public comment on the proposals in the *Rate-of-Return Reform FNPRM,* including comment on the IRFA. The Commission did not receive any relevant comments in response to this IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

11. The Report and Order increases the amount of operating expenses that rate-of-return carriers predominantly serving Tribal lands can recover from the universal service fund (USF). This increase recognizes that carriers serving Tribal lands are likely to have higher operating costs than carriers serving non-Tribal areas.

12. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

13. There are three comprehensive, statutory small entity size standards. First, nationwide, there are a total of approximately 28.2 million small businesses, according to the SBA, which represents 99.7% of all businesses in the United States. In addition, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2011 indicate that there were 90,056 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 89,327 entities may qualify as ''small governmental jurisdictions.''

14. The action taken in this Report and Order would affect a maximum of approximately 50 small entities and will likely only affect approximately seven or eight entities per year.

15. No additional reporting, recordkeeping, or other compliance requirements are required by this Report and Order.

16. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include (among others) the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The Commission has considered all of these factors subsequent to receiving substantive comments from the public and potentially affected entities. The Commission has considered the economic impact on small entities, as identified in comments filed in response to the *Rate-of-Return Reform FNPRM* and its IRFA, in reaching its final conclusions and taking action in this proceeding.

17. The Commission has, at the request of the carriers, increased the amount of operating expenses that rate-of-return carriers predominantly serving Tribal lands can recover from the universal service fund (USF). By raising this limitation, we recognize the higher costs of these small carriers in serving Tribal areas. The higher operating expense limit does not involve additional reporting or recordkeeping requirements.

III. Ordering Clauses

18. Accordingly, *it is ordered,* pursuant to the authority contained in sections 1, 2, 4(i), 5, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, and 405 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, and 1302 that this Report and Order *is adopted.*

19. *It is further ordered* that part 54, of the Commission's rules, 47 CFR part 54, *is amended* as set forth in the following.

20. *It is further ordered* that the rules adopted herein *will become effective* May 31, 2018.

21. *It is further ordered* that USAC implement the rule adopted herein for support calculations beginning January 1, 2017.

List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Amend § 54.303 by adding paragraph (a)(6) to read as follows:

§ 54.303 Eligible Capital Investment and Operating Expenses.

(a) * * *

(6) For those study areas where a majority of the housing units are on Tribal lands, as determined by the Wireline Competition Bureau, and meet the following conditions, total eligible annual operating expenses per location shall be limited by calculating Exp (Ŷ + 2.5 * mean square error of the regression): The carrier serving the study area has not deployed broadband service of 10 Mbps download/1 Mbps upload to 90 percent or more of the housing units on the Tribal lands in its study area and unsubsidized competitors have not deployed broadband service of 10 Mbps download/1 Mbps upload to 85 percent or more of the housing units on the Tribal lands in its study area.

* * * * *

[FR Doc. 2018–09066 Filed 4–30–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 54 and 64

[WC Docket Nos. 10–90, 14–58, 07–135, CC Docket No. 01–92; FCC 18–29]

Connect America Fund, ETC Annual Reports and Certifications, Establishing Just and Reasonable Rates for Local Exchange Carriers, Developing a Unified Intercarrier Compensation Regime

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) takes the next step in closing the digital divide through actions and proposals designed to stimulate broadband deployment in rural areas. To reach the Commission's objective, it must continue to reform its existing high-cost universal support programs. Building on earlier efforts to modernize high-cost universal support, it seeks to offer greater certainty and predictability to rate-of-return carriers and create incentives to bring broadband to the areas that need it the most.

DATES: Effective May 31, 2018, except for §§ 54.313(f)(4) and 54.1305(j) which contains information collection requirements that have not been approved by OMB. The FCC will publish a document in the **Federal Register** announcing the effective date of those rules awaiting OMB approval.

FOR FURTHER INFORMATION CONTACT: Suzanne Yelen, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order and Third Order on Reconsideration in WC Docket Nos. 10–90, 14–58, 07–135, CC Docket No. 01–92; FCC 18–29, adopted on March 14, 2018 and released on March 23, 2018. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW, Washington, DC 20554 or at the following internet address: *https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0323/FCC-18-29A1.pdf.* The Notice of Proposed Rulemaking (NPRM) that was adopted concurrently with the Report and Order and Third Order on Reconsideration was published in the **Federal Register** on April 25, 2018.

I. Introduction

1. Universal service can—and must—play a critical role in helping to bridge the digital divide to ensure that rural America is not left behind as broadband services are deployed. The directive articulated by the Commission in 2011 remains as true today as it did then: ''The universal service challenge of our time is to ensure that all Americans are served by networks that support high-speed internet access.'' Though the Commission has made progress for rural Americans living in areas served by our nation's largest telecommunications companies, the rules governing smaller, community-based providers—rate-of-return carriers—appear to make it more difficult for these providers to serve rural America. As a result, approximately 11 percent of the housing units in areas served by rate-of-return carriers lack access to 10 Mbps downstream/1 Mbps upstream (10/1 Mbps) terrestrial fixed broadband service while 34 percent lack access to 25 Mbps downstream/3 Mbps upstream (25/3 Mbps). It is time to close this gap and ensure that all of those living in rural America have the high-speed broadband they need to participate fully in the digital economy.

2. By improving access to modern communications services, the Commission can help provide individuals living in rural America with the same opportunities that those in urban areas enjoy. Broadband access fosters employment and educational opportunities, stimulates innovations in health care and telemedicine and promotes connectivity among family and communities. And as important as these benefits are in America's cities, they can be even more important in America's more remote small towns, rural, and insular areas. Rural Americans deserve to reap the benefits of the internet and participate in the 21st century society—not run the risk of falling yet further behind.

3. In the Report and Order and Third Order on Reconsideration, the Commission takes the next step in closing the digital divide through actions designed to stimulate broadband deployment in rural areas. To reach its objective, the Commission must continue to reform its existing high-cost universal support programs. Building on earlier efforts to modernize high-cost universal service support, the Commission seeks to offer greater certainty and predictability to rate-of-return carriers and create incentives to bring broadband to the areas that need it most.

4. Specifically, in this Report and Order the Commission takes several steps to increase broadband deployment in rural areas. First, to maximize available funding for broadband networks, the Commission codifies existing rules that protect the high-cost universal service support program from waste, fraud, and abuse by explicitly prohibiting the use of federal high-cost support for expenses that are not used for the provision, maintenance, and upgrading of facilities and services for which the high-cost support is intended. The Commission also adopts additional compliance obligations that will assist us in determining whether high-cost recipients comply with the requirement to spend high-cost funds only on eligible expenses. Additionally, for rate-of-return carriers, the Commission adopts a presumption against recovery through interstate rates for specific types of expenses not used and useful in the ordinary course and identify other expenses that the Commission presumes are not used and useful unless customary for similarly situated companies. Second, in exchange for increased broadband deployment obligations, the Commission offers additional high-cost support to those rate-of-return carriers that previously accepted model-based support. Next, to ensure stability in the contribution factor pending ongoing implementation of various high-cost reforms, the Commission directs the Universal Service Administrative Company (USAC) to continue forecasting a uniform quarterly amount of high-cost demand pending further Commission action.

5. In the Third Order on Reconsideration, the Commission resolves or clarifies a number of issues raised in several petitions for reconsideration of the Commission's 2016 *Rate-of-Return Reform Order,* 81 FR 24282, April 25, 2016. Taken together, the Commission expects that these actions will provide greater stability and certainty in the high-cost program and therefore spur additional broadband deployment to the areas that need it most.

II. Report and Order

6. In this Report and Order, the Commission adopts reforms to ensure that high-cost universal service support provided to eligible telecommunications carriers (ETCs) is used only for the provision, maintenance, and upgrading of facilities and services for which the high-cost support is intended pursuant to section 254(e) of the Act. The Commission also adopts reforms to ensure that the investments and

expenses that rate-of-return carriers recover through interstate rates are reasonable pursuant to section 201(b) of the Act. The Commission's findings here do not prevent rate-of-return carriers from incurring any particular investment or expense, but simply clarify the extent to which investments and expenses may be recovered through federal high-cost support and interstate rates. The rules the Commission adopts are prospective but the underlying obligations are preexisting and many of the rules the Commission adopts codify existing precedent. The Commission's rules and the used and useful standard have long governed ETCs and rate-of-return carriers' behavior. Nothing the Commission does in this Report and Order is intended to undermine its precedent.

7. *Discussion.*—Recent events by carriers involving large-scale abuses in the recovery of expenses that are unrelated to the provision of a universal service supported services give us cause to provide more specific rules for compliance with section 254(e). The Commission has a duty to the public to protect against waste, fraud, and abuse and ensure ETCs utilize finite universal service funds most effectively for their intended purpose. Unrelated expenses detract from universal service goals. The Commission finds that section 254(e) provides that carriers can recover those expenses from high-cost support to the extent those expenses are used only for, directly related to, and incurred for the sole purpose of, the provision, maintenance, and upgrading of facilities and services for which the support is intended, *i.e.,* supported voice and broadband. The use by Congress of the word ''only'' to modify the description of the uses of universal service support indicates that such support must be used exclusively for providing, maintaining and upgrading of facilities and services, so that support is not used for purposes other than those ''for which the support is intended.'' To the extent an expense is incurred in part for a recoverable business use and in part for a non-recoverable use, carriers may only recover from high-cost support that portion of expenses incurred for the provision, maintenance, and upgrading of facilities for which support is intended.

8. Because the Commission establishes the contours of universal service programs under section 254, the statute vests it with the authority to determine the scope of expenditures ''for which support is intended.'' Having reviewed the record, the Commission now codifies a simple, clear, and carefully defined, non-exclusive, list of expense categories that are precluded from recovery via the high-cost programs of the Fund because the Commission finds it is not used ''for the provision, maintenance and upgrading of facilities and services for which the support is intended.'' In codifying a list of ineligible expenses, the Commission incorporates, with some modifications, expense categories the Commission previously identified as ineligible for high-cost support in the *High-Cost Oct. 19, 2015 Public Notice* and in the *Rate-of-Return Reform Further Notice of Proposed Rulemaking (FNPRM),* 81 FR 21511, April 12, 2016, and the Commission provides guidance going forward on the eligibility of expenses on which the Commission sought comment in the *Rate-of-Return Reform FNPRM.* The Commission recognizes that its approach differs from that proposed by the rural associations; however, the Commission finds that its approach is more consistent with the statutory requirements that high-cost support be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. To the extent the Commission adopts new prohibitions on expenses that may be recovered from high-cost support, the Commission's rules apply on a prospective basis.

9. The Commission organizes the types of goods and services as ineligible for support into three broad expense categories—personal expenses, expenses unrelated to operations, and corporate luxury goods—and within each broad category specify certain types of goods and services not eligible for support. The Commission cautions that this list is based on the record before us. As specified in the Commission's revised rules, this list is not a comprehensive list of expenses ineligible for high-cost support. This list provides a codified bright-line prohibition on seeking high-cost support for some types of expenses. However, the Commission reminds carriers that it is also prohibited from seeking support for *any* expenses that are not used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission intends to remain vigilant in protecting the Fund from waste, fraud, and abuse.

10. *Personal Expenses.*—Initially, the Commission codifies the existing prohibition on recovery from the high-cost program for personal expenses of employees, board members, family members of employees and board members, contractors, or any other individuals affiliated with the ETC, including but not limited to personal expenses for personal travel, personal vehicles, housing, such as rent, mortgages, or housing allowances, childcare, employee gifts, and entertainment-related expenses including food and beverage, regardless of whether such expenses are paid directly by the individual or indirectly by the carrier in the form of allowances or gifts. Personal expenses are clearly not used for the provision of supported services and thus may not be recovered through high-cost support. Furthermore, the Commission cautions recipients of high-cost support that recovering these types of expenses from high-cost support may constitute outright fraud, waste, and abuse on the Fund, subjecting employees, executives, and board members to personal civil and criminal liability.

11. The Commission already explicitly excludes personal travel expenses from high-cost support recovery. Personal travel expenses include airfare, car rentals, gas, lodging, and meals for personal use. Commenters overwhelmingly agree that personal travel is unrelated to the provision of a supported service and may not be recovered through high-cost support. In response to concerns raised by commenters, the Commission finds that, in contrast to personal travel expenses, reasonable work-related travel expenses are recoverable to the extent they are used for the provision, maintenance, and upgrading of facilities and services for which high-cost support is intended. For example, if an ETC's technician travels to repair a supported facility and such travel requires overnight accommodation, the ETC may recover that employee's reasonable hotel costs.

12. The Commission already explicitly excludes expenses for personal vehicles and housing for personal use from high-cost support recovery. Commenters supported the continued exclusion. For example, an ETC is prohibited from recovering from high-cost support the purchase of a vehicle and home for personal use. To the extent a vehicle is used for both legitimate business purposes and non-business purposes, an ETC may only recover from high-cost support that portion of expenses incurred in connection with the provision, maintenance, and upgrading of supported services and facilities for which high-cost support is intended.

13. Subject to the very narrow exception the Commission describes below, the prohibition concerning housing for personal use precludes ETCs from using high-cost support to provide housing allowances for employees. Some commenters claim that housing allowances are necessary to

attract qualified employees and may be essential if affordable housing is not available in rural areas. Another commenter asserts that housing allowances are not a common operating expenditure. Regardless of whether such allowances are beneficial or commonly provided, they are not generally used for the provision, maintenance, and upgrading of facilities and services. Expenses for employee housing allowances are no different than other personal expenses for housing, which are disallowed, and the Commission codifies this prohibition.

14. However, the Commission recognizes that it may be appropriate to seek high-cost support to recover the cost of providing temporary or seasonal lodging for employees providing service in remote areas with rugged terrain and extreme weather conditions where no other lodging is available. The Commission views this situation as analogous to *per diem* travel expenses for lodging, which can be a recoverable operating expense when such travel meets the statutory test for recoverable expenses. Reasonable temporary or seasonal lodging may only be recovered if used for the provision, maintenance, and upgrading of services and facilities for which high-cost support is intended. Housing allowances outside of this very narrow exception are prohibited and are excluded from high-cost support.

15. Childcare expenses are not recoverable from high-cost support. Commenters argue that childcare is important to ''attract and retain qualified employees.'' Another commenter asserts that the ''vast majority'' of rural incumbent LECs are ''too small to afford childcare'' which they do not provide. Although the provision of childcare may be desirable and beneficial, such expenses are not used only for the provision, maintenance, and upgrading of supported facilities and services. Accordingly, such expenses are excluded from high-cost support.

16. It is undisputed that gifts to employees may not be recovered through high-cost support. Gifts to employees are unrelated to the provision, maintenance, and upgrading of facilities and services for which high-cost support is intended, and therefore are excluded from high-cost support.

17. Entertainment and food and beverage expenses, including but not limited to expenses incurred for meals to celebrate personal events, such as weddings, births, or retirements, are explicitly not recoverable through high-cost support. Some commenters agree that entertainment expenses in particular have not been recoverable in the past. Other commenters disagree, claiming that recovering entertainment expenses incurred for ''client or vendor meetings, or attendance at board meetings'' is a ''common and accepted practice.'' Some commenters maintain that they should be able to include food and beverage and entertainment expenses related to annual meetings, employee recognition, parties or picnics because such events build morale and improve service quality. The question is whether these expenses are used only for the provision, maintenance, and upgrading of facilities and services for which high-cost support is intended—not whether they are beneficial, desirable or common practice. Because these expenses do not meet the Commission's interpretation of what the statutory standard requires, the Commission excludes them from high-cost support. As noted above, the Commission acknowledges that meals provided during business-related travel may qualify as a reasonable *per diem* travel expense recoverable from high-cost support consistent with the Commission's interpretation of section 254(e).

18. Finally, some commenters misread § 32.6720(j) of the Commission's rules as permitting universal service recovery for '''food services (*e.g.,* cafeterias, lunch rooms and vending facilities).''' While cafeterias and dining facilities should be recorded in corporate operations accounts (Account 6720), it does not follow that these expenses can be recovered from high-cost support. Commenters argue that such costs are ''insignificant and immaterial'' and ''offset by increased efficiencies.'' At the same time, some commenters acknowledge that the vast majority of rate-of-return carriers do not provide cafeterias and dining facilities. Most rate-of-return carriers are able to serve their customers without having cafeterias and dining facilities for their employees precisely because these expenses are not solely related to the provision, maintenance, and upgrading of facilities and services for which the support is intended. Thus, consistent with the Commission's interpretation of section 254(e), ETCs may not recover from high-cost support expenses for food services and dining facilities, including cafeterias, lunch rooms, and vending facilities.

19. *Expenses Unrelated To Operations.*—The Commission next codifies the existing prohibitions on recovering support for expenses unrelated to operations—including political contributions, charitable donations, scholarships, membership fees and dues in clubs and organizations, sponsorships of conferences or community events, and penalties or fines for statutory or regulatory violations, penalties or fees for late payments on debt, loans, or other payments—from high-cost support. ETCs calculate high-cost universal support, including high cost loop support (HCLS) and Connect America Fund Broadband Loop Support (CAF BLS) (formerly interstate common line support (ICLS)), based on their eligible capital investment and operating expenses pursuant to § 54.303. Expenses unrelated to operations, however, are not currently included in these high-cost support calculations. Instead, under the Commission's current rules, ''nonoperating expenses''—including political contributions, contributions for charitable, social, or community welfare purposes, membership fees and dues in social, service and recreational or athletic clubs and organizations, and penalties and fines on account of violations of statutes—are recorded in Account 7300, presumed excluded from the costs of service in setting rates, and not included in high-cost support calculations. Expenses unrelated to operations have historically not been recoverable from high-cost support because by definition these expenses are not operational in nature and are ancillary to core business objectives. Expenses must fall within the scope of the statutory requirement that support be used ''only for the provision, maintenance, and upgrading of facilities and services for which support is intended.'' Below the Commission finds that various expenses unrelated to operations, including various Account 7300 nonoperating expenses, do not satisfy this standard and, thus, may not be recovered from high-cost support.

20. Political contributions are expenses unrelated to operations that may not be recovered from high-cost support. The record supports the continued exclusion of political contributions from recovery through high-cost support. No commenter opposed this. Political contributions are not used only for the provision, maintenance, and upgrading of facilities and services for which support is intended. ETCs are still, of course, free to make political contributions to the extent permitted by other laws, but they cannot recover those expenses from high-cost support.

21. In a related vein, the National Exchange Carrier Association (NECA) sought clarification on the extent to which the costs of '''[m]aintaining relations with government, regulators,

other companies and the general public' such as 'performing public relations and non-product-related corporate image advertising activities''' (Account 6720) should be included in universal service data submissions. At the outset, no commenter has provided any persuasive basis for determining how non-product-related corporate image advertising expenses are used for the provision, maintenance, and upgrading of supported services and facilities. Accordingly, corporate image advertising expenses may not be recovered from high-cost support. By contrast, expenses incurred to meet state, local, or federal regulatory requirements or obligations to provide supported services including preparing tariff and service cost filings and obtaining plant construction permits are allowable under section 254(e) to the extent that they are a precondition to providing supported services. Additionally, contracting expenses (excluding sales contracts) such as negotiating pole attachment rights-of-way and interconnection agreements that are a precondition to providing supported service are recoverable from the high-cost program consistent with the Act.

22. Charitable donations and scholarships are expenses unrelated to operations that may not be recovered from high-cost support. The Commission recognizes the benefits charitable donations provide to the community, as raised by multiple commenters. However, charitable donations are unrelated to the provision, maintenance, and upgrading of facilities and services for which the high-cost support is intended.

23. Membership fees and dues in clubs and organizations, including social, service, and recreational or athletic clubs and organizations, as well as trade associations and organizations that provide professional or trade certifications such as state bar associations, are expenses unrelated to operations excluded from high-cost support. Commenters agree that these expenses related to social and recreational clubs and organizations are already excluded from high-cost support recovery. But those same and other commenters also argue that membership fees and dues in trade associations, chambers of commerce, state bar associations and professional certifications for specialized employees should be recoverable. The Commission recognizes the educational and training benefits that trade associations provide and that membership in chambers of commerce may help stimulate business. However, as other commenters acknowledge, a function of many of these organizations is advocacy on behalf of their members for the purpose of influencing public policy which is not used for the provision, maintenance, and upgrading of facilities and services for which support is intended. Just as ETCs may not recover lobbying expenses under the Commission's rules, similarly, they may not recover membership fees in organizations that engage in lobbying. Further, professional affiliations or certifications such as state bar associations, accounting associations, or other professional groups may facilitate general corporate functions but are not used only for the provision of supported facilities and services.

24. No commenter opposed the prohibition on using high-cost support to sponsor conferences or community events. As the Commission has explained, sponsorships may be related to community interests but are not used for the provision, maintenance, and upgrading of facilities and services for which support is intended. The Commission continues to recognize that sponsorships of conferences or community events may benefit the community and the ETC, but such expenses do not satisfy the statutory standard for recovery.

25. Costs incurred as penalties or fines on account of violations of statutes, including judgments and payments in settlement of civil and criminal suits alleging antitrust violations, are excluded from high-cost support. Such expenses are not used for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Commenters did not take issue with this exclusion.

26. Similar to penalties or fines for statutory or regulatory violations, costs incurred as penalties or fees for any late payments on debts, loans, or other payments are not used for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Indeed, commenters recognize that such expenses ''have typically not been recoverable in the past.'' Penalties or fees for late payments on debt, loans, or other payments arguably are costs of doing business and mistakes will happen, but the costs of these mistakes and inefficiencies should not be borne by universal service contributors.

27. *Corporate Luxury Goods.*—The Commission next codifies the prohibition on recovery from the high-cost program of expenses for corporate luxury goods, including artwork and other objects which possess aesthetic value, and corporate aircraft, watercraft, and other vehicles, with limited exception discussed below and codify the existing prohibitions on using high-cost support for tangible luxury goods, including consumer electronics for personal use, and tangible property used for entertainment purposes. None of these goods is used only for the provision, maintenance, and upgrading of facilities and services for which high-cost support is intended. Likewise, kitchen appliances are unrecoverable with a limited exception noted below.

28. No commenter argues that artwork is used only for the provision, maintenance, or upgrading of facilities; instead commenters claim that artwork creates a pleasant work environment. While this may be the case, it is irrelevant to the question of whether such expenses meet the statutory standard. Because artwork is not used for the provision, maintenance, and upgrading of supported facilities and services, expenses for artwork must be excluded from high-cost support.

29. Corporate aircraft, boats, and other off-road vehicles to the extent used by executives or board members are more akin to luxuries for personal benefit and not used for provision, maintenance, and upgrading of supported facilities and services. The Commission's proposed rule in the *Rate-of-Return Reform FNPRM* did make allowances ''insofar as necessary to access inhabited portions of the study area not reachable by motor vehicles traveling on roads.'' Commenters supported this exception and opposed a blanket exclusion of aircraft, watercraft, and the like as contrary to the Commission's objective of reducing waste and promoting efficiency. The Commission is persuaded that the use of aircraft and off-road vehicles often can be the ''fastest, safest, most reliable and most efficient and least expensive way for technicians to reach remote areas to install, inspect or repair facilities.'' The Commission encourages such efficiencies because they reduce burdens on the Fund and thus reduce universal service fees for subscribers. The Commission cautions ETCs that they may only recover from high-cost support that portion of aircraft, watercraft, and other vehicle expenses used for the provision, maintenance, and upgrading of supported services and facilities, not expenses used for the benefit of corporate executives and board members. Thus, the Commission will closely scrutinize these expenses, and ETCs seeking to recover these costs from high-cost support must retain records of their use in sufficient detail to justify recovery.

30. Consumer electronics for personal use may not be recovered from high-cost support. Consumer electronics such as video games, televisions, and radios designed, marketed, and sold for everyday personal use by consumers, not business use, are analogous to a personal expense or an entertainment expense, both of which are not recoverable from high-cost support. The Commission acknowledges that consumer electronic devices such as laptops, monitors, smart phones, or other hand-held devices may serve valid business purposes. Accordingly, ETCs may only seek high-cost support for that portion of the expense associated with work use, consistent with the Commission's narrow interpretation of section 254(e). The Commission emphasizes that consumer electronics for *personal use* are never used for the provision, maintenance, and upgrading of facilities and services for which high-cost support is intended.

31. Tangible property used for entertainment purposes (*e.g.,* pool tables) may not be recovered from high-cost support. Commenters argue that property used for entertainment purposes builds morale and improves overall service quality. But, these expenses have no direct nexus to the provision, maintenance, or upgrading of facilities or supported services.

32. Except in narrow circumstances referenced above, kitchen appliances may not be recovered from high-cost support except to the extent provided as part of temporary or seasonal lodging for employees providing supported service in rugged, remote areas as explained above. Commenters argued that kitchen appliances are useful for employees in ''fulfillment of their company obligations in rural areas'' and ''relatively inexpensive and last for years.'' The Commission recognizes that kitchen appliances may be a good investment for rural providers, but ultimately the standard is whether the item is used only for the ''provision, maintenance, and upgrading of facilities and services for which the support is intended,'' and kitchen appliances do not meet this standard, except in the very narrow circumstance described above.

33. *Compliance.*—Based on the record received in response to the *Rate-of-Return Reform FNPRM,* the Commission adopts measures to ensure carrier compliance with the permitted expense rules adopted above for universal service support. Specifically, the Commission requires rate-of-return ETCs to identify on their annual FCC Form 481 (Carrier Annual Reporting Data Collection Form) their cost consultants and cost consulting firm, or other third party, if any, used to prepare cost studies, or other calculations used to calculate high-cost support for their submission. Disclosure of an ETC's cost consultants is a low-burden measure that will help the Commission identify waste, fraud, and abuse during audits. As at least one commenter explained, it is common business practice for rate-of-return carriers to hire cost consultants to prepare their financial and operations data disclosures used to justify high-cost support. The Commission agrees with commenters that discrepancies in permitted expenses disclosed on Form 481 prepared by a cost consultant may flow through to other carriers' represented by the same cost consultant. Identifying a carrier's cost consultants and cost consulting firms will help NECA, the Commission, and USAC identify and rectify patterns of noncompliance, and potentially fraud, during audits. This disclosure will ultimately help preserve the integrity of the Fund by ensuring that carriers only recover permitted expenses.

34. The Commission declines at this time, however, to adopt a number of other compliance measures proposed in the *Rate-of-Return Reform FNPRM.* Specifically, the Commission declines to require a new certification from carriers attesting that they have not included any prohibited expenses in their cost submissions used to calculate high-cost support. Carriers' corporate officers are already required to certify that they are compliant with the Commission's rules. Carriers are also required to certify to the accuracy of their cost studies used to calculate HCLS pursuant to § 69.601(c) and CAF BLS pursuant to § 54.903(a)(3) and (4). The Commission further requires similar certifications for filings with NECA, Tariff Review Plans (TRPs), tariff filings for carriers that elect to receive CAF support, cost studies used to calculate high-cost support submitted to NECA and USAC and high-cost support. For example, willful false statements in data submissions to NECA or USAC are punishable by fine or imprisonment pursuant to U.S. Code, Title 18, Section 1001. Requiring carriers to submit an additional certification would not further encourage compliance but would be needlessly duplicative and burdensome. To the extent a carrier's corporate officer certifies compliance with the Commission's rules, such certification would cover compliance with the eligible expense rules, as amended.

35. The Commission also does not believe it is necessary to alter NECA's role to enforce the rules adopted herein. NECA is an association of LECs established in 1984, at the direction of the Commission, to administer interstate access tariffs for LECs that do not file separate tariffs and to collect and distribute access charge revenues for those companies. NECA administers the process by which average schedule companies submit sampled data and cost companies submit cost studies that are ultimately used to calculate revenue requirements, rate base, and universal service disbursements. Carriers are required to submit certain cost data necessary to calculate high-cost support payments to NECA, certifying that they are accurate to the best of their knowledge, and NECA in turn analyzes that cost data, performs certain calculations and submits that information to USAC for use in determining support payments for eligible carriers. NECA has a responsibility to take reasonable precautions to ensure that the data it uses in preparing interstate access tariff filings and distributing interstate revenue comply with the Commission's rules. The Commission believes that NECA has sufficient authority and operational capability to provide oversight of its members with respect to high-cost support. Rather than expel carriers from the NECA pools as some commenters propose, the Commission encourages NECA to continue its oversight role, which it must do in compliance with the Commission's rules, and subject to Commission review. The Commission directs NECA to work with its members to develop processes to ensure compliance with the eligible expenses rules adopted herein to ensure that universal service support is being used only for its intended purposes. The Commission reminds NECA members that it is their responsibility to ensure that the expenses submitted to and used by NECA to calculate high-cost support are accurate and consistent with the Commission's rules. The Commission has authority to revoke section 214 authorizations based on misconduct, a finding that disqualifies that carrier from participation in the NECA pools.

36. Finally, the Commission declines to adopt a ''safe harbor'' standard proposed by commenters that would insulate carriers from audit and enforcement liability if a carrier includes prohibited expenses but the ''overall impact'' is ''immaterial.'' The only way to determine if excluded expense are immaterial would be to conduct an audit. Moreover, the Commission believes that such an approach would not be in the public

interest because it would not encourage strict compliance with the existing and revised permitted expense rules.

37. The Commission reminds carriers that failure to keep Commission-prescribed accounts, records, and memoranda on the books is a violation of section 220(d) of the Act and may subject carriers to forfeiture liability in the amount of $6,000 for each day of the continuance of each such offense. Carriers' employees, executives, and board members may also be subject to personal liability for violations. Carriers' employees, executives, and board members that willfully make any false entry in Commission-prescribed accounts may be subject them to monetary penalties for violations of section 220(e) of the Act will be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment. Furthermore, persons making willful false statements in data submissions to NECA, USAC, or the Commission can be punished by fine or imprisonment under the provisions Title 18, Section 1001, of the U.S. Code.

38. Section 201(b) of the Communications Act requires that only reasonable investments and expenses be recovered through regulated interstate rates—a requirement the Commission has historically enforced through the ''used and useful'' standard. The Commission amends its rules to provide guidance to legacy rate-of-return LECs regarding investments and expenses that are presumed not used and useful (and thus unreasonable under section 201) and thus, as a general matter, may not be recovered through interstate rates. The Commission divides such investments and expenses into two broad categories: Those that the Commission does not expect would be used and useful in the ordinary course and those the Commission would not expect to be used and useful unless customary for similarly situated companies. The Commission notes that the second category is intended to capture types of expenses that may be customary among small companies (and based on their widespread usage the Commission may consider more likely to be used and useful) but are subject to abuse. For example, a small company may reasonably host a company picnic (to boost the morale of employees operating the interstate telecommunications network), which would be customary for small companies, but might not reasonably host an expensive banquet for employees at an out-of-state venue.

39. The Commission makes clear that its actions are not intended to alter the scope of the used and useful standard—instead only to provide prospective guidance and a default presumption in certain cases. Legacy rate-of-return LECs are free to attempt to rebut the presumption by showing particular factual circumstances justifying recovery of these investments and expenses through interstate rates but cannot recover for such costs absent a particularized showing. To the extent that these investments and expenses are recovered through interstate rates, in the event of an audit or other investigation, the carrier bears the burden of demonstrating that such investments and expenses are used and useful despite the presumption that they are not.

40. *Discussion.*—Commenters agree that several of the expenses and investments discussed in the *Rate-of-Return Reform FNPRM* are already excluded from ratemaking, while others argue they should be excluded prospectively. Based on the record, below the Commission discusses the specific categories of investments and expenses that it presumes are not used and useful in the ordinary course and those not used and useful unless customary for similarly situated companies.

41. *Personal Expenses.*—Personal expenses including vehicles for personal use, and personal travel (such as transportation, lodging and meals) are presumed excluded from recovery through interstate rates. There is broad consensus in the record that personal expenses are not used and useful for the provision of interstate telecommunications services and therefore cannot, and should not, be recovered through interstate rates. Personal expenses are for the benefit of an individual affiliated with the rate-of-return LEC without an articulable business-related purpose and are not necessary or incurred to provide regulated service. Personal expenses are presumed not used and useful in the ordinary course.

42. To the extent a rate-of-return LEC provides its employees, executives or board members, or any other individuals affiliated with the LEC with additional benefits, such as gifts, housing allowances, and childcare that are not part of taxable compensation, the Commission finds that these expenses are presumed not used and useful unless customary for similarly situated companies. As noted by commenters, cash or in-kind bonuses, housing allowances, or childcare may qualify as part of a taxable compensation package—and are subject to a presumption-free review under the used and useful standard. The Commission agrees with commenters that temporary housing offered as part of businesses-related travel lodging or a temporary work assignment may qualify as legitimate business expenses, not a personal expense, and do not warrant the presumption.

43. Personal food and beverage expenses are presumed not used and useful whereas food and beverage expenses for work and work-related travel as well as costs of operating cafeterias and dining facilities are presumed not used and useful unless customary for similarly situated companies. The Commission clarifies that food and beverages purchased during business-related travel are not personal expenses. As noted by commenters, reasonable *per diem* travel expenses, including food and beverages, are commonly-accepted business expenses. Similarly, food and beverage expenses incurred as part of work-related entertainment such as company parties or picnics are likewise presumed not used and useful unless customary. The Commission's existing rules allow rate-of-return LECs to include expenses incurred operating cafeterias and dining facilities in general and administrative accounts used to calculate interstate rates. At the same time, ratepayers should not be forced to pay for excessive or imprudent expenses unrelated to business purposes or unnecessary to the provision of regulated services.

44. Although commenters disagree on whether entertainment expenses should be recoverable, the Commission finds that entertainment expenses are presumed not used and useful unless customary for similarly situated companies. Entertainment expenses, such as musical entertainment or food and beverage expenses incurred at company parties or picnics, are a common business practice to improve employee morale but are subject to potential abuse.

45. *Expenses Unrelated to Operations.*—The Commission clarifies that certain expenses unrelated to operations—including political contributions, membership fees and dues in social, service and recreational or athletic clubs and organizations, penalties or fines for statutory or regulatory violations, and penalties or fees for late payments on debt, loans, or other payments—are presumed not used and useful. As several commenters note, most of these nonoperating expenses are

currently presumed to be excluded from the cost of service in setting rates. The record supports the continued presumption that these expenses are excluded from recovery through interstate rates.

46. Although penalties or fees for late payments on debt, loans, or other payments have typically not been recovered through ratemaking, as noted by commenters, the Commission's rules do not contain an explicit prohibition. The Commission fails to see how these expenses can be distinguished from penalties or fines for statutory or regulatory violations which are currently presumed excluded from ratemaking. All of these expenses are imprudent—incurred when a carrier fails to adequately manage its business and operations. Ratepayers should not pay for expenses incurred due to irresponsible business practices. Accordingly, the Commission finds that penalties or fees for any late payments on debt, loans, or other payments are presumed not used and useful (and thus unreasonable).

47. Under the Commission's current rules, membership fees and dues in social, service and recreational, or athletic clubs and organizations are presumed not used and useful and must be excluded from recovery via interstate rates. The Commission declines at this time to expand the scope of excluded fees and dues to cover additional types of fees, such as memberships in professional organizations and associations. As some commenters have argued, there is utility to customary memberships in professional organizations such as trade associations, chambers of commerce, and bar associations. As a result, membership fees and dues associated with professional organizations, unless customary for similarly situated companies, are presumed not used and useful.

48. The Commission clarifies that other expenses unrelated to operations—including charitable donations, scholarships, sponsorships of conferences or community events—raise the potential for abuse and thus are presumed not used and useful unless customary for similarly situated companies. As commenters note, there appears to be a conflict in the Commission's rules regarding the treatment of charitable donations for ratemaking purposes. The Commission clarifies here, consistent with the justification provided in the *1987 Rate Base Order,* 53 FR 1027, January 15, 1988, that the Commission's rules allow recovery of reasonable charitable donations through the interstate revenue requirement. The Commission agrees with commenters that reasonable charitable donations may to be appropriate to support the community in which it operates as a cost of doing business and part of ''good corporate citizenship.'' For similar reasons as charitable donations, the Commission finds that scholarships and sponsorships of conferences or community events likewise serve an important role in the community.

49. *Corporate Luxury Goods.*—Although some corporate luxury goods are in fact customary, as a category it is subject to potential abuse. As such, expenses associated with corporate luxury goods—specifically corporate aircraft, watercraft, and other off-road vehicles used for work and work-related purposes, as well as artwork and other objects which possess aesthetic value that are displayed in the workplace—are presumed not used and useful (and thus unreasonable) unless customary for similarly situated companies. In the *Rate-of-Return Reform FNPRM,* the Commission proposed to allow recovery for corporate aircraft, watercraft, and other vehicles ''insofar as necessary to access inhabited portions of the study area not reachable by motor vehicles traveling on roads.'' Commenters support this proposal, asserting that a blanket ban is contrary to the Commission's objective of reducing waste and promoting efficiency. The Commission agrees that the use of aircraft and off-road vehicles can be the ''fastest, safest, most reliable and most efficient and least expensive way for technicians to reach remote areas to install, inspect or repair facilities.'' However, to avoid the risk of abuse, the Commission presumes that even vehicles used for work and work-related purposes are not used and useful unless customary for similarly situated companies. Based on the record, the Commission fully expects that carriers using such vehicles to access areas not seasonably reachable by road travel will be able to overcome the presumption, so long as they limit the use of aircraft, watercraft and off-road vehicles to work and work-related purposes. The Commission acknowledges that office artwork is a common business expense and should not place excessive burdens on ratepayers. Accordingly, expenses associated with artwork and other objects which possess aesthetic value that are displayed in the workplace are presumed not used and useful unless customary for similarly situated companies.

50. The *Rate-of-Return Reform FNPRM* also proposed to prohibit recovery from interstate support ''expenses for tangible property not logically related or necessary to offering voice or broadband service.'' Such expenses include, for example, recreational equipment and consumer electronics not used for work purposes. These expenses are not used in the ordinary course for providing interstate telecommunications services, and so the Commission will presume them not used and useful (and thus unreasonable). Further, the Commission's rules provide that rate-of-return LECs may not recover investments and expenses unless ''recognized by the Commission as necessary to the provision'' of interstate telecommunications services. The Commission notes that, by definition, tangible property not logically related or necessary to offering voice or broadband service is not necessary or incurred to provide regulated interstate telecommunications service.

51. Also in the *Report and Order,* the Commission directs the Bureau to offer additional Alternative Connect America Cost Model (A–CAM) support up to $146.10 per-location to all carriers that accepted the revised offers of model-based support. Under the revised offer, all locations with costs above $52.50 per location will be funded up to a per-location funding cap of $146.10, and the Bureau should adjust deployment obligations accordingly. If all eligible carriers accept this offer, the Commission anticipates that it would result in approximately $36.5 million more support per year for the 10-year A–CAM term. Increasing support immediately will result in additional broadband deployment, while balancing budgetary constraints pending the outcome of this proceeding. This increase in support does not impact legacy support.

52. There is ample support in the record from carriers and state government officials, as well as from members of Congress, for increasing the budget for A–CAM. With additional funding, these parties have made clear the economic, educational, and healthcare benefits that will directly follow. The Commission's action today addresses these requests by extending a revised offer at $146.10, the same maximum per-location support amount as the Commission offered to price cap carriers for the Phase II offer of model-based support and as the Commission has proposed for the maximum reserve price in the Phase II auction. By raising the per-location cap to a uniform $146.10 for all current A–CAM recipients, the Commission could increase by more than 17,700 the number of locations that will receive 25/

3 Mbps over the course of the support term, with another 14,000 locations receiving 10/1 Mbps. Although the Commission declines to extend the per-location funding cap to $200 at this time, the Commission seeks comment on doing so in the concurrently adopted NPRM, along with potential increases to the overall budget.

53. The Commission directs the Bureau to release a public notice announcing the revised model-based support amounts and corresponding deployment obligations, and providing carriers with 45 days to confirm that they are will accept the revised offer. Any such election shall be irrevocable. In order to true up support that would have been disbursed in 2017 at the $146.10 per-location cap support amounts, the Commission directs USAC to make a one-time lump sum payment from excess cash in its high-cost account. USAC shall disburse that support the month following a Bureau public notice authorizing those carriers that accept this revised offer. The Commission further directs USAC to collect additional funds going forward to cover the increase in A–CAM support for the remainder of the support term.

54. Finally, in the *Report and Order,* pursuant to § 54.709(a)(3) of the Commission's rules, the Commission directs USAC to continue forecasting a quarterly amount of high-cost demand at no less than one quarter of $4.5 billion until further Commission action, such as addressing the issues raised in the concurrently adopted NPRM. The concerns raised by the Commission in 2011 regarding support fluctuations resulting from implementation of the CAF remain true today. The Commission expects that there will continue to be shifts in support levels as the Commission transitions to paying winners of both upcoming universal service auctions (CAF Phase II and Mobility Fund II) while phasing down payments to current ETCs receiving frozen support amounts. At this time, the Commission cannot predict how those transitions will impact the overall CAF budget but will have a better sense of the impacts after the outcome of the auctions. It is in the public interest to collect a uniform amount to minimize unpredictable fluctuations in consumers' bills by allowing USAC to build up some excess cash to cover transitions without causing a dramatic shift in the quarterly contribution factor. Moreover, the Commission seeks comment in the concurrently adopted NPRM on whether to make certain adjustments to the rate-of-return support mechanisms, and building up excess cash leading up to an order on those decisions could lessen later increases to the contribution factor.

55. USAC forecasted contributions based on an estimated demand of $1.06 billion for the first quarter of 2018, given that USAC's directive to collect $1.125 billion ended in 2017. To collect at least $4.5 billion for 2018, the Commission directs USAC to project for each of the final quarters of 2018 a total high-cost demand of at least $1.125 billion plus the difference between what it has already projected in 2018 based only on demand and the amount it would have collected had the Commission's prior direction continued into 2018, equally spread out over the final quarters. USAC shall place those excess funds in its high-cost account, pending further Commission decisions. USAC shall not take those excess funds into account when forecasting demand for 2018. If high-cost quarterly demand actually exceeds $1.125 billion plus the additional amount, no additional funds will accumulate in the high-cost cash account for that quarter and excess cash will be used to constrain the high-cost demand in the contribution factor. In other words, by the end of 2018, absent further direction by the Commission, USAC will have collected at least $4.5 billion for the deployment of broadband networks in high-cost areas. The Commission anticipates that it will take action on the concurrently adopted NPRM prior to the end of 2018 and will issue additional guidance to USAC at that time.

III. Third Order on Reconsideration

56. On May 25, 2016, five petitions were filed requesting that the Commission reconsider or clarify various aspects of the *Rate-of-Return Reform Order.* In April 2017, the Commission adopted an Order on Reconsideration, 82 FR 22901, May 19, 2017, in which it amended the capital investment allowance (CIA) rule limiting support for new construction projects with high average capital expenses. In a Second Order on Reconsideration and Clarification, 83 FR 14185, April 3, 2018, the Commission addressed the surrogate method for estimating consumer broadband-only loops (CBOLs) and the Access Recovery Charge imputation rule. In this Third Order on Reconsideration, the Commission addresses certain additional issues petitioners raised, including the mitigation of the budget control mechanism from July 2017 to June 2018; the addition of an inflation factor to calculate the operating expenses limitation; inclusion of broadband-only loops in calculating each carrier's corporate operations expense limitation; treatment of transferred exchanges; streamlined waivers; and the effect of the first A–CAM election on current budget for legacy rate-of-return carriers.

57. *Discussion.*—To address the concerns raised by NTCA–The Rural Broadband Association (NTCA), the Commission grants its petition in part and eliminate the effect of the budget control mechanism for the period current budget year (from July 2017 to June 2018).

58. During this budget year, the support claims of legacy rate-of-return carriers have been reduced by approximately $180 million due to application of the budget control mechanism—a 13 percent reduction in support. Moreover, the reductions in support are not evenly distributed among states or carriers. For example, carriers in Virginia are subject to an average 17 percent reduction in support while carriers in New Mexico have their support reduced overall by only 9 percent. Similarly, carriers within each state may be subject to drastically different reductions. In Iowa, one carrier has its support reduced by 17 percent while another carrier's support is only reduced by 8 percent. In Texas, carrier reductions range from 8 percent to 16 percent.

59. NTCA claims these legacy support reductions, which are even greater than it predicted, endanger legacy carriers' ability to offer service at reasonably comparable rates, and could result in rural consumers paying ''tens of dollars (or even hundreds of dollars) more per month than urban consumers for standalone broadband.'' That claim has been borne out in fact: Based on FCC Form 481 data, 27 eligible telecommunications carriers could not certify to meeting the broadband reasonable comparability benchmark.

60. Several parties support NTCA's assertions regarding the insufficient budget for legacy carriers as enforced through the budget control mechanism. GVNW states that the Commission should revisit the budget ''to ensure sufficient support so that rural consumers may pay affordable rates.'' The National Tribal Telecommunications Association also argues that ''inadequate funding is leading to unreasonably comparable rates between rural Tribal areas and the urban areas of the United States,'' and that the Commission ''must act soon to provide the support necessary to ensure broadband capable facilities are deployed in these areas that allow for services being provided at affordable rates.'' ITTA ''shares the concerns expressed by NTCA . . . regarding the

insufficiency'' of the budget. The WTA–Advocates for Rural Broadband (WTA) Petition for Reconsideration of the *Rate-of-Return Reform Order* similarly asserts that the budget control mechanism is contributing to rates that are not reasonably comparable to urban areas.

61. The Commission agrees with these concerns and find here that it is in the public interest to grant in part NTCA's petition for reconsideration. Specifically, the Commission reconsiders implementation of the budget control mechanism affecting claims from July 2017 to June 2018 by fully funding carrier claims during that period—such large and variable reductions in support have made support not sufficiently ''predictable'' for affected rate-of-return carriers to engage in the long-term planning for the high-speed broadband deployment needed in rural America. The Commission directs USAC, working with the Bureau, to determine an efficient methodology to calculate the amounts withheld as a result of the budget control mechanism and make payments to fully fund support claims to the affected carriers in a lump sum payment in the second full quarter after the effective date of this Third Order on Reconsideration, drawing first upon funds available in USAC's reserve account.

62. Nonetheless, the Commission disagrees with NTCA's suggestion that it should go farther immediately and instead initiate a budget review to determine whether the current level of support is sufficient and predictable enough for carriers serving rural areas to provide service at rates comparable to those in urban areas. The Commission also seeks comment on how it can encourage more efficient use of carrier support and modify the budget control mechanism to provide more predictable support.

63. *Discussion.*—The Commission grants NTCA's request regarding the opex limitation. The Commission recognizes that the opex limitation, which does not account for inflation, may constrain support for rising costs, potentially diminishing carriers' ability to maintain and support their networks, thereby potentially reducing service quality, and in turn harming consumers. The Commission therefore reconsiders how the opex limitation is calculated to include the inflationary adjustment factor GDP–CPI. The GDP–CPI is the same adjustment factor proposed by industry and that the Commission uses for the Rural Growth Factor (RGF). Using this adjustment factor will alleviate any harm caused by inflation in application of the opex limitation. Moreover, using the same series for both the opex adjustment and the RGF will reduce confusion and facilitate administrative efficiency. This inflation adjustment will be applicable for five years. Thereafter, the Commission anticipates that it may revisit the inflation adjustment to assess whether it accurately reflects carriers' experienced changes in costs and if it remains necessary to protect carriers from inflation-driven cost increases.

64. The Commission directs NECA to calculate each carrier's opex limitation for the following calendar year by multiplying the inflation adjustment factor used in the RGF, as described in its annual September 30 filing, by the carrier's opex limitation for the current year. For example, if the inflation adjustment in NECA's September 30, 2018 annual filing is 2 percent, then each carrier's opex limit for 2019 will be calculated by multiplying its 2018 opex limit by 1.02. Adjusting the opex limitation on this schedule will provide sufficient notice for carriers in preparing their budgets for the upcoming calendar year.

65. The inflation adjustments will be implemented beginning with expenses incurred in 2017. It would be administratively burdensome to apply the inflation adjustment to 2016 expenses because NECA has already made its annual filing setting 2018 HCLS amounts based on 2016 expenses. Therefore, the Commission will include in the 2017 opex limitation a compounded inflation adjustment so as to account for the effects of inflation for 2016 expenses. Specifically, the inflation adjustment will be implemented as follows.

Expense incurred in	Inflation adjustment (multiplied by prior year opex limitation)	Expenses reported in
2017	1.0273	NECA October 1, 2018 annual filing (HCLS), December 31, 2018 Form 509 (CAF BLS).
2018	1.0128	NECA October 1, 2019 annual filing (HCLS), December 31, 2019 Form 509 (CAF BLS).
2019	As published in NECA's Oct. 1, 2018 annual filing.	NECA October 1, 2020 annual filing (HCLS), December 31, 2020 Form 509 (CAF BLS).
Subsequent years.	As published in the prior year's NECA annual filing.	NECA annual filing and Form 509 filed in the following year.

66. On reconsideration, as requested by NTCA, the Commission amends § 54.1308(a)(4) of the Commission's rules to include CBOLs in the calculation of each carrier's corporate operations expense limitation. The rule operates by creating a limit on total corporate operations expenses based on the number of lines, and then apportioning those costs among common line and other cost categories. The Commission did not amend this rule in the *Rate-of-Return Reform Order,* and the rule currently includes only common line (voice and voice-broadband) loops in the calculation. As a result, NTCA argues that the rule now sets an inappropriately low limit on the corporate operations expenses for carriers with broadband-only lines. In an extreme case, a carrier with customers that exclusively have chosen to subscribe through broadband-only lines would not be eligible to recover any of its corporate operations expenses. The Commission concurs and amends the rule accordingly to allow broadband-only loops, as well as voice and voice-broadband loops, in the corporate operations expense limitation calculations. The Commission expects that this action will provide parity for carriers with broadband-only lines and create incentives for broadband deployment.

67. At the request of WTA, the Commission clarifies the treatment of transferred exchanges under the rules adopted in the *Rate-of-Return Reform Order.*

68. Specifically, the Commission first clarifies that when any entity that is not a rate-of-return carrier (including a price cap carrier, competitive local exchange carrier, interexchange carrier, or non-carrier entity) acquires exchanges from a rate-of-return carrier, § 54.902(c) applies. This means that, ''absent further action by the Commission, the carrier will receive model-based

support.'' The Commission notes that the language about which WTA raises its specific question—''entity other than a rate-of-return carrier''—is retained from the prior ICLS rule. Given that CAF BLS is predicated on rate-of-return regulation, there does not appear to be any basis for automatically providing CAF BLS to an entity that is not a rate-of-return carrier. The rule expressly contemplates that the Commission may consider alternatives on a case-by-case basis, but provides a default mechanism whereby the acquiring entity becomes subject to the Connect America Model support and obligations. WTA suggests that this result does not appear to be the intent of the *Rate-of-Return Reform Order* but provides no support for this assertion.

69. Second, the Commission clarifies, as requested by WTA, that the term ''exchanges'' in § 54.902 does not apply to entire study areas, but instead to areas smaller than a complete study area. This approach is consistent with how the Commission has previously treated transfers of control, as well as § 54.305 (the ''parent trap rule'') and study area waivers. The Commission notes that the sale of a complete study area does not necessarily present the same potential for manipulating universal service support as the sale of exchanges because support is calculated on a study area basis. The transfer of exchanges or other parts of a study area, on the other hand, likely would affect the amount of universal service support for which a study area would qualify under its rules. The Commission is concerned that transfers of exchanges could be structured in order to maximize and increase high-cost support and could put additional pressure on scarce high-cost resources.

70. Next, the Commission declines to eliminate § 54.305 as proposed by Madison Telephone Company (Madison Telephone). Madison Telephone argues that the parent trap rule is no longer necessary because § 54.902 is sufficient to address the consequences to high-cost universal service support resulting from transfers of exchanges. The Commission disagrees. Section 54.902, entitled ''Calculation of CAF BLS Support for transferred exchanges,'' does not apply to HCLS. Without § 54.305, therefore, there is no constraint on increases to HCLS resulting from the strategic transfer of portions of study areas. Further, the Commission is not persuaded by Madison Telephone's arguments that the parent trap rule should be eliminated because only a relatively small number of carriers are currently subject to the rule. Currently, 28 carriers are subject to the parent trap rule. Madison Telephone's argument fails to address the fact that the absolute number of carriers subject to the rule is not an adequate measure of the potential financial effects to universal service posed by the elimination of the parent trap rule. Madison Telephone does not, for example, estimate the amount of additional support that affected carriers would receive if the parent trap rule were eliminated. The Commission further notes that the Commission relied on the applicability of § 54.305 as a constraint on universal service support in granting study area waivers to many of the carriers currently subject to the parent trap rule. Eliminating the parent trap rule without further analysis of the consequences would undermine the rationale for granting those waivers.

71. The Commission is also not persuaded by Madison Telephone's argument that the build-out requirements of the *Rate-of-Return Reform Order* necessitate the provision of additional support to carriers currently subject to the parent trap rule. Each carrier's build-out obligations have been determined based on the amount of support a carrier was forecasted to receive, which takes into account the effect of the parent trap rule. Therefore, the Commission expects that eliminating the parent trap rule would increase the build-out obligations for those carriers, rather than provide additional support to achieve the same obligations. Finally, the Commission rejects Madison Telephone's argument that the complications of the parent trap rule perpetuate a disincentive to further consolidation among rate-of-return carriers. Although the Commission agrees that rate-of-return carriers should have appropriate incentives for further consolidation, the Commission must have adequate safeguards to protect the Fund from transfers of exchanges that result in excessive increases in high-cost support. As described above, the Commission disagrees that there would be adequate safeguards if the Commission eliminates the parent trap rule and find that it continues to serve an important purpose.

72. In general, the rules governing the transfer of exchanges are intended to prevent an increase in high-cost universal service, driven by a change in the area over which costs are averaged, without a Commission finding that such an increase would be in the public interest. Although budget constraints now prevent the Fund's total size from increasing as the result of transactions, increases in universal service awarded to one carrier result in decreases in support to other carriers. Therefore, the Commission must carefully review new or additional demands on resources to ensure that the overall effect is in the public interest. Although the Commission may consider a systematic review of the rules governing transfers of exchanges in light of the recent reforms, it does not believe that the current petitions are the appropriate means by which to do so.

73. The Commission also addresses two requests, one from NTCA and the other from WTA, related to streamlining waivers. NTCA's petition for reconsideration, in part, asks the Commission to clarify (or to the extent necessary, reconsider) the circumstances in which a ''streamlined waiver'' process may be used, whereby an ''engineer-certified estimate of construction costs could be substituted for the CIA-estimated investment allowance. Specifically, NTCA argues that a streamlined process should be permitted for circumstances beyond the narrow instance of compliance with defined buildout obligations.'' For example, NTCA states that, ''a RLEC may be unable to obtain financing to perform any buildout—whether tied to a specific obligation or otherwise intended to advance broadband—unless it can obtain such a waiver.'' NTCA also notes that ''timing considerations with respect to buildout and hiring of contractors, especially in certain locales where build seasons are shorter, may drive the need for a waiver.''

74. First, the Commission clarifies that it did not adopt a ''streamlined waiver'' process in the *Rate-of-Return Reform Order.* Although the Commission noted that several commenters argued a streamlined waiver process was needed ''to ensure that carriers can seek a waiver if it needs to make investments greater than those allowed by the capital budget limitation to provide broadband to the carrier's customers,'' the Commission determined that any carrier could file a waiver under the Commission's existing rules. The Commission then explained what would enable ''expeditious'' treatment of a waiver and further stated that ''carriers who cannot meet their deployment obligation even by expending the full amount of their TALPI [Total Allowed Loop Plant Investment] allowance should submit information regarding the costs expected to be incurred to meet the deployment obligation certified by an engineer licensed in the state(s) in which the construction will take place.'' The Commission noted that this information would assist the Commission in reviewing a waiver request expeditiously.

75. Second, the Commission clarifies that in assessing whether ''good cause'' exists to grant a request for waiver of the CIA, the Commission is likely to view as highly relevant cost estimate information certified by an engineer licensed in the state where the construction will take place. The Commission anticipates that certification will help ensure that any cost estimates are reasonably accurate and objective. The Commission further clarifies that it will review any waiver petitions of the CIA on a case-by-case basis, and carriers should submit all relevant information, certified appropriately, to justify the relief requested to help expedite the review process.

76. WTA asks the Commission to address the ''extremely likely'' situation of material/labor shortages and corresponding price increases by adopting a rule that allows rate-of-return carriers receiving CAF BLS to ''request and obtain via a streamlined process a reduction of their applicable build-out requirements if they can show that their cost per location has increased by thirty percent (30.0%) or more above the cost per location used to compute their initial buildout requirement.'' WTA further requests a streamlined waiver process for all CAF BLS and A–CAM carriers to ''extend their deadlines for meeting interim and/or ultimate build-out requirements if they can show that they had made *bona fide* attempts to obtain the requisite pre-construction approvals, fiber optic cable and/or contractor arrangements, and had been unsuccessful in doing so for reasons significantly outside their control.''

77. The Commission denies WTA's request. The Commission finds that the situations for which WTA requests streamlined waivers must each be considered individually and that there is an existing process by which to seek relief. As stated above and in the *Rate-of-Return Reform Order,* any carrier may file a waiver under existing rules to address the specific hardships that it faces. Carriers should submit all relevant information, certified appropriately, to justify the relief requested to help expedite the review process, and the Commission will evaluate the circumstances on a case-by-case basis. The Commission further notes that WTA does not provide a concrete proposal for how a streamlined waiver process would work. For instance, it is not clear whether after a specific period of time the waiver would be deemed granted; or whether a request to reduce the number of locations by a third or extend a deadline by two years would qualify for streamlined treatment. Given the availability of an existing mechanism to address WTA's concerns, and its lack of a specific proposal, the Commission concludes that WTA's request lacks merit and is thereby denied. The Commission reminds carriers that detailed petitions for waiver, substantiated by data (and certified appropriately) will help to facilitate expeditious review.

78. The Commission dismisses as moot NTCA's request regarding the budgetary impact in cases where a carrier that initially elected to receive model support in 2016 subsequently declined the revised offer. In the *Rate-of-Return Reform Order,* the Commission decided how the budget for the first offer of A–CAM support would be determined if carriers that initially elected to receive model support subsequently declined to accept a revised second offer. Specifically, the *Rate-of-Return Reform Order* provided that ''[i]f the carrier received more support from the legacy mechanisms in 2015 than it was offered by the final model run, the overall budget for all carriers that receive support though the rate-of-return mechanisms (HCLS and reformed ICLS) will be reduced by the difference between the carrier's 2015 legacy support amount and the final amount of model support offered to that carrier.''

79. NTCA seeks clarification of whether this statement means that the difference reduces that carrier's own support, or whether it reduces the overall budget for carriers remaining on legacy support. To the extent the Commission intended to reduce the overall budget, NTCA seeks reconsideration of this decision. NTCA is concerned that such an approach could dramatically reduce the budget for carriers remaining on legacy support and undermine their ability to offer voice and broadband service at reasonably comparable rates. Similarly, Custer Telephone Cooperative et al. seeks clarification, or reconsideration, regarding the reduction of support available to carriers remaining on legacy support mechanisms.

80. In the *A–CAM Revised Offer Order,* 82 FR 4275, January 13, 2017, the Commission concluded that its approach to revising the first A–CAM offers largely addressed the concerns raised by NTCA because the Commission did not change the support amounts for those carriers for which the offer of model-based support was less than the legacy support. The 35 such carriers that accepted the initial offer contributed to the overall A–CAM budget and were authorized by the Bureau to receive support because their support was unchanged and their initial elections were irrevocable. When the Bureau extended revised offers to the remaining carriers that accepted the initial offer, it resulted in only 18 instances in which the carrier was offered a revised amount that was less than the legacy support received in 2015. Because the net decrease in legacy support for this group of carriers was only approximately $4.2 million, the Commission determined that the difference was only a *de minimis* amount in the context of the overall rate-of-return budget. Therefore, the potential harm identified by the parties in their petitions for clarifications or reconsideration of this issue—''to ensure that non-model carriers and their consumers will not be harmed by the decisions of RLECs that choose to 'jump in and out' of the model election process''—did not come to pass. Accordingly, the Commission dismisses as moot those portions of these requests.

IV. Procedural Matters

A. Paperwork Reduction Act

81. The Report and Order adopted herein contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), it previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In this present document, the Commission has assessed the effects of the new and modified rules that might impose information collection burdens on small business concerns, and find that they either will not have a significant economic impact on a substantial number of small entities or will have a minimal economic impact on a substantial number of small entities.

B. Congressional Review Act

82. The Commission will send a copy of the Report and Order, Third Order on Reconsideration and Notice of Proposed Rulemaking to Congress and the Government Accountability Office

pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

83. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, Initial Regulatory Flexibility Analyses (IRFAs) were incorporated in the Report and Order, Order, and Order on Reconsideration, and Further Notice of Proposed Rulemaking (*Rate-of-Return Reform Order and Further NPRM*). The Commission sought written public comment on the proposals in the *Rate-of-Return Reform Order and Further NPRM,* including comment on the IRFA. The Commission did not receive comments on the *Rate-of-Return Reform Order and FNPRM* IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

84. In the Report and Order, the Commission adopts reforms to ensure that high-cost universal service support provided to eligible telecommunications carriers (ETCs) is used only for the provision, maintenance, and upgrading of facilities and services for which the high-cost support is intended. Specifically, this Report and Order addresses whether specific expenses are eligible for recovery from federal high-cost support pursuant to section 254(e) of the Act.

85. The Commission also adopts measures to ensure carrier compliance with the permitted expense rules adopted above for high-cost support. The Commission requires rate-of-return ETCs to identify on their annual FCC Form 481 (Carrier Annual Reporting Data Collection Form) their cost consultants and cost consulting firm, or other third party, if any, used to prepare cost studies, or other calculations used to calculate high-cost support for their submission. Disclosure of such parties is a low-burden measure that will help the Commission identify waste, fraud, and abuse during audits. Identifying such parties will help the Commission and USAC identify and rectify patterns of noncompliance, and potentially fraud, during audits. This will ultimately help preserve the integrity of the Universal Service Fund by ensuring that carriers use high-cost support only for the provision, maintenance, and upgrading of facilities and services for which the high-cost support is intended.

86. In the Report and Order, the Commission further amends the rules to provide guidance to legacy rate-of-return LECs regarding investments and expenses that are presumed not used and useful (and thus unreasonable under section 201 of the Communications Act) and thus, as a general matter, may not be recovered through interstate rates. The Commission divides such investments and expenses into two broad categories: Those that it does not expect would be used and useful in the ordinary course and those it would not expect to be used and useful unless customary for similarly situated companies.

87. The Report and Order also addresses two matters for which Final Regulatory Flexibility Analysis is unnecessary.

88. First, the Report and Order provides additional support to fund model-based deployment. In the *April 2014 Connect America FNPRM,* 79 FR 39196, July 9, 2014, the Commission proposed a framework for a voluntary election by rate-of-return carriers to receive model-based support and tentatively concluded that such a framework could achieve important universal service benefits by creating incentives for deployment of voice and broadband-capable infrastructure. The Commission sought written comment on the proposal, including comment on the Initial Regulatory Flexibility Analysis (IRFA). The Commission did not receive any comments on the *April 2014 Connect America FNPRM* IRFA. In the *Rate-of-Return Reform Order,* the Commission adopted a voluntary path under which rate-of-return carriers may elect to receive model-based support for a term of 10 years in exchange for meeting defined build-out obligations. The Commission issued a Final Regulatory Flexibility Analysis (FRFA) that conforms to the Regulatory Flexibility Act of 1980 (RFA), as amended. This present Report and Order further implements the framework previously adopted by the Commission. Therefore, the Commission certifies that it will not have a significant economic impact on a substantial number of small entities.

89. Second, the Report and Order directs USAC to continue the practice of uniform quarterly collections. The Commission's directive to USAC to continue uniform quarterly collection is not a rule subject to notice-and-comment rulemaking and therefore no Regulatory Flexibility Analysis is required. Further, the Commission notes that is only applicable to USAC and will not have a significant economic impact on a substantial number of small entities.

90. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

91. The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses.

92. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of Aug. 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).

93. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of Governments indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 37,132 General purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,184 Special purpose governments (independent school districts and special districts) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that the majority of these governments have populations of less than 50,000. Based on this data the Commission estimates that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.''

94. In the Report and Order, the Commission codifies a list of ineligible expenses and expense categories the

Commission previously identified as ineligible for high-cost support, and it provides guidance going-forward on the eligibility of expenses on which the Commission sought comment in the *Rate-of-Return Reform Order and FNPRM.* The revised rules adopted herein provide more specificity and certainty to ETCs and do not impose any additional recordkeeping requirements. Additionally, the Commission requires all rate-of-return ETCs to identify on their annual FCC Form 481 (Carrier Annual Reporting Data Collection Form) their cost consultants and cost consulting firm, or other third party, if any, used to prepare cost studies, or other calculations used to calculate high-cost support for their submission. The Commission expects this reporting obligation to have a minimal impact.

95. The Report and Order amends the rules to provide guidance to legacy rate-of-return LECs regarding investments and expenses that are presumed not used and useful and thus, as a general matter, may not be recovered through interstate rates. Such investments and expenses are divided into two broad categories: Those that the Commission does not expect would be used and useful in the ordinary course and those it would not expect to be used and useful unless customary for similarly situated companies. These changes do not impact reporting obligations, and are necessary to ensure that recovery of these investments and expenses via interstate rates is consistent with section 201(b) of the Act.

96. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include (among others) the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The Commission has considered all of these factors subsequent to receiving substantive comments from the public and potentially affected entities. The Commission has considered the economic impact on small entities, as identified in comments filed in response to *Rate-of-Return Reform Order and FNRPM* and IRFA, in reaching its final conclusions and taking action in this proceeding.

97. The rules that the Commission adopts in the Report and Order provide greater certainty to rate-of-return carriers, many of which are small entities. The Commission codifies a simple, clear, and carefully defined list of categories of expenses that are precluded from recovery via the universal service fund. The Commission incorporates expenses categories previously identified as ineligible for high-cost support, *High-Cost Oct. 19, 2015 Public Notice* and in the *Rate-of-Return Reform FNPRM* and the Commission provides guidance going-forward on the eligibility of expenses on which the Commission sought comment in the *Rate-of-Return Reform FNPRM.* Providing a clear list of expenses that are not reimbursable will ensure that more resources are available in the universal service fund. Although the Commission provides guidance going-forward on the eligibility of expenses on which the Commission sought comment, such guidance should have only a minimal impact on small entities.

98. Similarly, the Commission provides greater certainty to legacy rate-of-return carriers by codifying a list of investments and expenses that are presumed not used and useful and thus, as a general matter, may not be recovered through interstate rates. This guidance provides more certainty and predictability, while also providing carriers the opportunity to recover these costs via regulated interstate rates if the presumption can be overcome.

99. The Commission also acts to modify its existing reporting requirements. The Commission requires carriers to identify on their annual FCC Form 481 their cost consultants and cost consulting firm, or other third party, used to prepare cost studies or other calculations used to calculate high-cost support for their submission will have a minimal economic impact because small entities already prepare this filing. The Commission revises ETCs' annual reporting requirements to align better those requirements with the Commission's statutory and regulatory objectives. This addition will allow the Commission to identify themes and trends among both rate-of-return carriers and third-party cost consultants and to eliminate waste, fraud, and abuse.

100. The Third Order on Reconsideration above amends rules adopted in the *Rate-of-Return Reform Order* by (1) implementing, for a five-year period, an inflation adjustment for the operating expense limitation, (2) incorporating broadband-only loops into the corporate operations expense limitation, and (3) reconsiders the application of the budget control mechanism for July 2017 to June 2018. These revisions do not create any burdens, benefits, or requirements that were not addressed by the Final Regulatory Flexibility Analysis attached to the *Rate-of-Return Reform Order.* Therefore, the Commission certifies that the rule revisions adopted in this Third Order on Reconsideration and Clarification will not have a significant economic impact on a substantial number of small entities.

V. Ordering Clauses

101. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1–4, 5, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, and 405 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151–155, 201–206, 214, 218–220, 251, 256, 254, 256, 303(r), 403 and 405, this Report and Order, Third Order on Reconsideration *is adopted*, effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**, except for those rules and requirements involving Paperwork Reduction Act burdens, which shall become effective immediately upon announcement in the **Federal Register** of OMB approval. It is the Commission's intention in adopting these rules that if any of the rules that the Commission retains, modifies, or adopts herein, or the application thereof to any person or circumstance, are held to be unlawful, the remaining portions of the rules not deemed unlawful, and the application of such rules to other persons or circumstances, shall remain in effect to the fullest extent permitted by law.

102. *It is further ordered* that part 54 and 64 of the Commission's rules, 47 CFR part 54 and 64, are amended as set forth in the following, and such rule amendments *shall be effective* May 31, 2018, except that those rules and requirements which contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act *will become effective* after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

103. *It is further ordered* that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and §§ 0.331 and 1.429 of the Commission's rules, 47 CFR 0.331 and 47 CFR 1.429, the Petition for Reconsideration filed by NTCA on May 25, 2016 *is granted in part* and *dismissed as moot in part* to the extent described herein.

104. *It is further ordered* that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and §§ 0.331 and 1.429 of the Commission's rules, 47 CFR 0.331 and 47 CFR 1.429, the Petition for Reconsideration filed by CUSTER TELEPHONE COOPERATIVE, ET AL., on May 25, 2016 *is dismissed as moot in part* to the extent described herein.

105. *It is further ordered* that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and §§ 0.331 and 1.429 of the Commission's rules, 47 CFR 0.331 and 47 CFR 1.429, the Petition for Reconsideration filed by WTA on May 25, 2016 *is granted in part* and *denied in part* to the extent described herein.

106. *It is further ordered* that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and §§ 0.331 and 1.429 of the Commission's rules, 47 CFR 0.331 and 47 CFR 1.429, the Petition for Reconsideration filed by MADISON TELEPHONE COMPANY on May 25, 2016 *is denied*.

List of Subjects

47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, Internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

47 CFR Part 64

Claims, Communications Common carriers, Computer technology, Credit, Foreign relations, Individuals with disabilities, Political candidates, Radio, Reporting and recordkeeping requirements, Telecommunications, Telegraph, Telephone.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 54 and 64 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Amend § 54.7 by adding paragraph (c) to read as follows:

§ 54.7 Intended use of federal universal service support.

* * * * *

(c) For those eligible telecommunications carriers as defined in § 54.5 receiving universal service support pursuant to subparts K and M of this part, ineligible expenses include but are not limited to the following:

(1) Personal expenses of employees, executives, board members, and contractors, and family members thereof, or any other individuals affiliated with the eligible telecommunications carrier, including but not limited to personal expenses for housing, such as rent or mortgages, vehicles for personal use and personal travel, including transportation, lodging and meals;

(2) Gifts to employees; childcare; housing allowances or other forms of mortgage or rent assistance for employees except that a reasonable amount of assistance shall be allowed for work-related temporary or seasonal lodging; cafeterias and dining facilities; food and beverage except that a reasonable amount shall be allowed for work-related travel; entertainment;

(3) Expenses associated with: Tangible property not logically related or necessary to the offering of voice or broadband services; corporate aircraft, watercraft, and other motor vehicles designed for off-road use except insofar as necessary or reasonable to access portions of the study area not readily accessible by motor vehicles travelling on roads; tangible property used for entertainment purposes; consumer electronics used for personal use; kitchen appliances except as part of work-related temporary or seasonal lodging assistance; artwork and other objects which possess aesthetic value;

(4) Political contributions; charitable donations; scholarships; membership fees and dues in clubs and organizations; sponsorships of conferences or community events; nonproduct-related corporate image advertising; and

(5) Penalties or fines for statutory or regulatory violations; penalties or fees for any late payments on debt, loans, or other payments.

■ 3. Amend § 54.303 by adding paragraph (a)(6) to read as follows:

§ 54.303 Eligible Capital Investment and Operating Expenses.

(a) * * *

(6) For a period of five years following the implementation of paragraph (a) of this section, the total eligible annual operating expenses per location in paragraph (a) shall be adjusted annually to account for changes to the Department of Commerce's Gross Domestic Product Chain-type Price Index (GDP–CPI).

* * * * *

■ 4. Amend § 54.313 by adding paragraph (f)(4) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

* * * * *

(f) * * *

(4) If applicable, the name of any cost consultant and cost consulting firm, or other third-party, retained to prepare financial and operations data disclosures submitted to the National Exchange Carrier Association (NECA), the Administrator or the Commission pursuant to subpart D, K, or M of this part.

* * * * *

■ 5. Amend § 54.901 by revising paragraph (b) and adding paragraph (f)(4) to read as follows:

§ 54.901 Calculation of Connect America Fund Broadband Loop Support.

* * * * *

(b) For the purpose of calculating support pursuant to paragraph (a) of this section, the Interstate Common Line Revenue Requirement and Consumer Broadband-only Revenue Requirement shall be subject to the limitations set forth in § 54.303.

* * * * *

(f) * * *

(4) This paragraph (f) shall not apply to support provided from July 1, 2017 to June 30, 2018.

* * * * *

■ 6. Amend § 54.1305 by adding paragraph (j) to read as follows:

§ 54.1305 Submission of information to the National Exchange Carrier Administration (NECA)

* * * * *

(j) The number of consumer broadband-only loops for each study area, as defined in § 54.901(g), calculated as of December 31st of the calendar year preceding each July 31st filing.

■ 7. Amend § 54.1308 by revising paragraphs (a)(4)(ii) introductory text and (a)(4)(ii)(A) through (C) to read as follows:

§ 54.1308 Study Area Total Unseparated Loop Cost.

(a) * * *

(4) * * *

(ii) A monthly per-loop amount computed according to paragraphs (a)(4)(ii)(A) through (D) of this section. To the extent that some carriers' corporate operations expenses are

disallowed pursuant to these limitations, the national average unseparated cost per loop shall be adjusted accordingly. For the purposes of this paragraph (a)(4)(ii), ''total eligible lines'' refers to working loops as defined by this subpart and consumer broadband-only loops, as defined in § 54.901(g).

(A) For study areas with 6,000 or fewer total eligible lines, the monthly per-loop amount shall be $42.337 − (.00328 × the number of total eligible lines), or, $63,000/the number of total eligible lines, whichever is greater;

(B) For study areas with more than 6,000 but fewer than 17,887 total eligible lines, the monthly per-loop amount shall be $3.007 + (117,990/the number of total eligible lines); and

(C) For study areas with 17,887 or more total eligible lines, the monthly per-loop amount shall be $9.562.

* * * * *

■ 8. Amend § 54.1310 by adding paragraph (d)(3) as follows:

§ 54.1310 Expense adjustment.

* * * * *

(d) * * *

(3) This paragraph (d) shall not apply to support provided from July 1, 2017 to June 30, 2018.

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. 154, 202, 225, 251(e), 254(k), 403(b)(2)(B), (c), 616, 620, Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 202, 218, 222, 225, 226, 227, 228, 251(e), 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

1. Add subpart J, consisting of §§ 64.1000 through 64.1002, to read as follows:

Subpart J—Recovery of Investments and Expenses in Regulated Interstate Rates

Sec.

Subpart J—Recovery of Investments and Expenses in Regulated Interstate Rates

§ 64.1000 Scope.

This subpart is applicable only to rate-of-return carriers as defined in § 54.5 of this chapter receiving Connect America Fund Broadband Loop Support as described in § 54.901 of this chapter.

§ 64.1001 Purpose.

This subpart is intended to ensure that only used and useful investments and expenses are recovered through regulated interstate rates pursuant to section 201(b) of the Communications Act as amended (the Act), 47 U.S.C. 201(b).

§ 64.1002 Investments and expenses.

(a) *Investment and expenses not used and useful in the ordinary course.* The following investments and expenses are presumed not used and useful (and thus unreasonable):

(1) Personal expenses, including but not limited to personal expenses for food and beverages, housing, such as rent or mortgages, vehicles for personal use, and personal travel;

(2) Tangible property not logically related or necessary to offering voice or broadband services;

(3) Political contributions;

(4) Membership fees and dues in social, service and recreational, or athletic clubs or organizations;

(5) Penalties or fines for statutory or regulatory violations; and

(6) Penalties or fees for late payments on debt, loans, or other payments.

(b) *Non-customary investments and expenses.* Unless customary for similarly situated companies, the following investments and expenses are presumed not used and useful (and thus unreasonable):

(1) Personal benefits, such as gifts, housing allowances, and childcare, that are not part of taxable compensation;

(2) Artwork and other objects that possess aesthetic value that are displayed in the workplace;

(3) Aircraft, watercraft, and off-road vehicles used for work and work-related purposes;

(4) Cafeterias and dining facilities;

(5) Charitable donations;

(6) Entertainment;

(7) Food and beverage expenses for work and work-related travel;

(8) Membership fees and dues associated with professional organizations;

(9) Scholarships; and

(10) Sponsorships of conferences or community events.

[FR Doc. 2018–08025 Filed 4–30–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180123065–8378–02]

RIN 0648–XF989

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2018 Allocation of Northeast Multispecies Annual Catch Entitlements and Approval of a Regulatory Exemption for Sectors

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

ACTION: Final rule.

SUMMARY: This rule provides allocations to 17 of 19 groundfish sectors for the 2018 fishing year and also approves a new regulatory exemption for sector vessels. The action is necessary because sectors must receive allocations in order to operate in the 2018 fishing year. This action is intended to maximize fishing opportunities, ensure sector allocations are based on the best scientific information available, and help achieve optimum yield for the fishery.

DATES: Effective May 1, 2018, through April 30, 2019.

ADDRESSES: Copies of each sector's operations plan and contract, as well as the programmatic environmental assessment for sectors operations in fishing years 2015 to 2020, are available from the NMFS Greater Atlantic Regional Fisheries Office (GARFO): Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. These documents are also accessible via the GARFO website: *https://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/.*

FOR FURTHER INFORMATION CONTACT: Kyle Molton, Fishery Management Specialist, (978) 281–9236.

SUPPLEMENTARY INFORMATION:

Background

The Northeast multispecies (groundfish) sector management system allows us to allocate a portion of available groundfish catch by stock to each sector. Each sector's annual allocations are known as annual catch entitlements (ACE) and are based on the collective fishing history of a sector's members. The ACEs are a portion of a stock's annual catch limit (ACL)

available to commercial groundfish vessels. A sector determines how to harvest its ACEs and may decide to limit operations to fewer vessels. Atlantic halibut, windowpane flounder, Atlantic wolffish, and ocean pout are not managed under the sector system, and sectors do not receive allocations of these groundfish species. With the exception of halibut, which has a one-fish per vessel trip limit, possession of these stocks is prohibited.

Because sectors elect to receive an allocation under a quota-based system, the Northeast Multispecies Fishery Management Plan (FMP) grants sector vessels several ''universal'' exemptions from the FMP's effort controls. The FMP allows sectors to request additional exemptions to increase flexibility and fishing opportunities for consideration and approval by NMFS. Sectors are prohibited from requesting, and NMFS from approving, exemptions from permitting restrictions, gear restrictions designed to minimize habitat impacts, and most reporting requirements.

In addition to the sectors, there are several state-operated permit banks, which receive allocations based on the fishing history of permits that the state holds. The final rule implementing Amendment 17 to the FMP allowed a state-operated permit bank to receive an allocation without needing to comply with sector administrative and procedural requirements (77 FR 16942; March 23, 2012). Instead, permit banks are required to submit a list of permits to us, as specified in the permit bank's Memorandum of Agreement between NMFS and the state. These permits are not active vessels; instead, the allocations associated with the permits may be leased to other sectors. State-operated permit banks contribute to the total allocation under the sector system.

We approved nineteen sectors to operate in fishing years 2017 and 2018, and also approved 21 requested exemptions for sectors (82 FR 19618; April 28, 2017). On November 20, 2017, we withdrew approval of Northeast Fishery Sector IX (NEFS 9) (82 FR 55522; November 22, 2017). This action allocates 2018 ACE to 17 of 19 sectors based on the specifications in Framework Adjustment 57 to the Northeast Multispecies FMP. This action also approves a new regulatory exemption to increase fishing opportunities for monkfish while fishing on a groundfish sector trip.

Sector Allocations for Fishing Year 2018

The 2018 allocations in this rule are based on sector enrollment in fishing year 2018 as determined by preliminary roster submissions. All permits enrolled in a sector, and the vessels associated with those permits, have until April 30, 2018, to withdraw from a sector and fish in the common pool for fishing year 2018. The allocations in this rule are based on the fishing year 2018 specifications in Framework 57 to the FMP. As explained in more detail below, this rule does not allocate 2018 ACE to NEFS 7 or NEFS 9, or make any determinations on their operations plans.

We calculate a sector's allocation for each stock by summing its members' potential sector contributions (PSC) for a stock and then multiplying that total percentage by the available commercial sub-ACL for that stock. Table 1 shows the total PSC by stock for each sector receiving an allocation under this rule for fishing year 2018. Tables 2 and 3 show the allocations for each sector, in pounds and metric tons, respectively, for fishing year 2018, based on their submitted fishing year 2018 rosters. The common pool sub-ACLs are also included in each of these tables. Framework 57 sets the fishing year 2018 common pool sub-ACLs, and are calculated using the PSC of permits not enrolled in sectors. The common pool sub-ACL is managed separately from sectors and does not contribute to available ACE for leasing or harvest by sector vessels, but is shown for comparison.

We do not assign a permit separate PSCs for the Eastern Georges Bank (GB) cod or Eastern GB haddock; instead, we assign each permit a PSC for the GB cod stock and GB haddock stock. Each sector's GB cod and GB haddock allocations are then divided into an Eastern ACE and Western ACE, based on each sector's percentage of the GB cod and GB haddock ACLs. For example, if a sector is allocated 4 percent of the GB cod ACL, the sector is allocated 4 percent of the commercial Eastern U.S./Canada Area GB cod total allowable catch. The Eastern GB haddock allocations are determined in the same way. These amounts are then subtracted from the sector's overall GB cod and haddock allocations to determine its Western GB cod and haddock ACEs. A sector may only harvest its Eastern GB cod and haddock ACEs in the Eastern U.S./Canada Area. A sector may also ''convert,'' or transfer, its Eastern GB cod or haddock allocation into Western GB allocation and fish that converted ACE outside the Eastern GB area.

All sectors were required to submit preliminary fishing year 2018 sector rosters to us by March 26, 2018. Prior to the start of each fishing year, we review preliminary rosters to determine, among other issues, whether the vessels enrolled in sectors are eligible, whether the sectors have signed contracts from permit holders demonstrating membership, and whether the sector continues to fulfill the ''rule of three'' requirement, which requires sectors to be composed of permits held by at least three distinct entities. Enrollment of sectors may change each year, but these changes in enrollment are usually minor and require minimal review.

Subsequent to the proposed rule for this action (83 FR 12706; March 23, 2018), there were significant changes in sector enrollment for NEFS 7, NEFS 8, and NEFS 9 for the 2018 fishing year. Sector roster submissions indicated that all permits enrolled in NEFS 7 in fishing year 2017 are leaving the sector for fishing year 2018, with several moving to the common pool and the remainder moving to NEFS 8. Additionally, sector roster submissions indicated that nearly all permits enrolled in NEFS 9 (55 of 60 permits) during fishing year 2017 are enrolling in NEFS 7 for fishing year 2018. Five of these permits are subject to forfeiture as a result of the criminal case against Carlos Rafael. Two permits from NEFS 9 enrolled in NEFS 8. Only three permits remain enrolled in NEFS 9. These changes are especially significant given ongoing efforts to account for misreported catch by NEFS 9 vessels in prior fishing years and resolve other issues that caused withdrawal of approval of the NEFS 9 operations plan. We are also working to resolve whether the five permits subject to forfeiture can be enrolled in a sector given that Mr. Rafael's interest in them has been forfeited to the U.S. Government.

These significant roster changes, including substantive operational and overage payback issues, require further consideration. Therefore, we are delaying a decision regarding allocating 2018 ACE to NEFS 7 or NEFS 9, and this final rule does not include allocations for either sector. Although the proposed rule for this action included allocations for both NEFS 7 and NEFS 9, issuing an allocation to either sector in this rule would be premature until the large-scale changes to sector enrollment and related issues are fully considered and resolved, and we consult with the New England Fishery Management Council. Any allocation to NEFS 7 or NEFS 9, or operations plan approvals, will be completed in a separate rulemaking.

Holdback of Allocation and End of Year Catch Accounting

The FMP authorizes us to hold 20 percent of a sector's ACE up to, and

through, June 30 to allow time to complete catch accounting and reconcile overages, if necessary. At the start of fishing year 2018, we will withhold 20 percent of NEFS 8's allocation. We are requiring a holdback because two vessels enrolled in NEFS 9 for 2017 have joined NEFS 8 for fishing year 2018, and we are evaluating potential pound-for-pound payback of allocation necessary to account for NEFS 9 overages in previous fishing years. If we have not finalized our analysis and catch accounting prior to June 30, 2018, NEFS 8 will receive the holdback allocation. No other sectors receiving an allocation for 2018 in this rule will be subject to the holdback provision. Holding back this quota will ensure that NEFS 8 has sufficient allocation to begin operating on May 1, 2018, while also ensuring sufficient allocation is available to cover any potential overage associated with vessels previously enrolled in NEFS 9, if payback is determined to be necessary. In 2018, NEFS 7 and 9 will be almost entirely made up of permits that were enrolled in NEFS 9 in 2017. Therefore, we determined that a 20-percent holdback is potentially not sufficient to ensure proper accounting of overages that may affect these two sectors.

We expect to finalize 2017 catch information for all groundfish sectors in the summer of 2018 consistent with the normal sector process. We will allow sectors to transfer fishing year 2017 ACE for 2 weeks upon our completion of year-end catch accounting to reduce or eliminate any fishing year 2017 overages. If necessary, we will reduce any sector's fishing year 2018 allocation to account for a remaining overage in fishing year 2017. We will notify managers of any overages their sector has for 2017 and the 2-week trading window when we have finalized 2017 catch information.

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Table 1. Cumulative PSC (percentage) each sector is receiving by stock for fishing year 2018.*

Sector Name	MRI Count	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector/FGS	119	28.68839985	4.12625518	6.54866590	3.24603755	0.85333960	0.89967521	4.55799306	1.33165866	2.90000167	0.08257843	15.12261536	2.84414589	3.34953348	6.96250873	9.26177957
Maine Coast Community Sector	66	1.15765521	9.56287656	1.21605339	6.40985694	1.67932801	1.32362081	2.96730168	10.39289727	7.84365739	0.72808370	2.71794899	1.51750394	6.20232718	10.64421885	10.81953974
Maine Permit Bank	11	0.13359766	1.15324184	0.04432773	1.12448491	0.01377700	0.03180706	0.31772260	1.16406980	0.72688210	0.00021716	0.42641581	0.01789059	0.82182550	1.65305822	1.69448029
NCCS	30	0.17529093	1.07736038	0.13321773	0.57529500	0.00556688	0.21470121	0.55735283	0.13671890	0.14852014	0.02683065	1.02778496	0.33961160	0.45601186	0.82118992	0.47500018
NEFS 1	3	0.00000000	0.02469769	0.00000000	0.00036846	0.00000693	0.00000024	0.01033787	0.01351914	0.00234629	0.00000077	0.00401763	0.00000026	0.00000000	0.00000000	0.00003558
NEFS 2	103	6.24836053	21.39085200	10.68919551	19.12197347	1.90723759	1.88486646	22.30345041	10.65024030	14.31713966	3.21694561	21.83006160	4.03301832	15.02294593	7.62113361	12.62453238
NEFS 3	38	0.34031184	6.99754109	0.02782884	4.64947475	0.00228686	0.00117388	3.49772953	0.74752457	0.59767457	0.00337750	4.02920616	0.29554691	0.57529987	2.06647596	2.73481092
NEFS 4	51	4.16480360	10.62319132	5.35062798	8.61181488	2.16156194	2.26122424	6.05978122	9.38858551	8.70615590	0.69179850	6.95881763	0.86864063	6.72243130	8.08918995	6.35807286
NEFS 5	25	0.48052287	0.00068019	0.81554774	0.00357875	1.27619540	21.07477407	0.20605826	0.43243499	0.56259776	0.43636908	0.01753506	12.10783894	0.01454490	0.09444524	0.04250377
NEFS 6	23	2.88587981	2.96260461	2.93199915	3.84703872	2.70263563	5.36358473	3.73711540	3.89825722	5.21028896	1.51084518	4.56676863	1.96788440	5.31716915	3.91665986	3.30795891
NEFS 8	34	7.52469087	0.82300411	7.24866512	0.56859828	13.69276769	7.87426084	4.82541575	2.88087676	3.44526459	21.62046936	2.92895959	10.13748261	0.86082478	1.02480812	1.07566704
NEFS 10	29	0.52579929	2.46705188	0.17673207	1.28201173	0.00114846	0.54787147	4.27769586	1.08109541	2.04601615	0.01083152	9.10145349	0.60102079	0.33489609	0.65458084	0.76311145
NEFS 11	50	0.40522591	12.45071140	0.03721984	3.08806809	0.00149970	0.01949288	2.52206828	2.08103409	1.98248023	0.00330849	2.13300702	0.02152272	1.96476192	4.72884917	9.02442624
NEFS 12	18	0.62869077	2.86585915	0.09374415	1.01352490	0.00042969	0.01049524	7.83159786	0.50289507	0.56772907	0.00043898	7.53600858	0.21702138	0.22671770	0.28117217	0.77511382
NEFS 13	62	12.18321777	0.90970919	20.11363366	1.05216166	34.49944104	21.02740370	8.84077703	8.48479097	9.29874478	17.82190596	3.05173593	16.60359375	4.28319288	2.14963722	2.62058433
New Hampshire Permit Bank	4	0.00082208	1.14350413	0.00003406	0.03234651	0.00002026	0.00001788	0.02179244	0.02847769	0.00615968	0.00000324	0.06067478	0.00003630	0.01940054	0.08129901	0.11131416
Sustainable Harvest Sector 1	19	2.10261792	3.14897265	2.39196971	3.86043539	0.96052938	0.08973562	3.13554444	4.82191323	3.71956670	5.71593741	4.51028179	0.54868599	4.24301547	4.34623536	2.78878579
Sustainable Harvest Sector 2	29	1.15653598	4.59750278	0.80803729	3.24806931	2.23449302	2.20056496	1.06382555	4.91086902	3.01367488	0.46607499	1.45130602	1.10380985	3.73312912	7.13613386	6.57699124
Sustainable Harvest Sector 3	62	15.92449024	7.60631203	29.36434222	29.74499485	10.94736882	7.33823616	8.41660054	25.67361864	23.40387578	13.46526402	4.63938301	17.27118672	36.33428831	30.59905750	21.98401454
Common Pool	499	2.02989154	3.04896442	0.71366064	1.11667657	1.51826234	19.30332244	4.27117314	1.76482273	2.16562617	0.81892736	4.93789247	11.93068915	0.46639478	0.75174622	0.61480822

* This table is based on preliminary fishing year 2018 sector rosters and catch limits from Framework 57.

Table 2. ACE (in 1,000 lb), by stock, for each sector for fishing year 2018.*#

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	163	593	33	2,252	4,195	625	3	1	40	46	53	1	119	32	794	420	7,637
MCCS	7	24	78	418	779	1,235	6	1	26	362	143	12	21	17	1,471	642	8,921
MPB	1	3	9	15	28	217	0	0	3	41	13	0	3	0	195	100	1,397
NCCS	1	4	9	46	85	111	0	0	5	5	3	0	8	4	108	50	392
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	35	129	174	3,676	6,848	3,684	7	2	196	371	262	52	172	46	3,562	460	10,409
NEFS 3	2	7	57	10	18	896	0	0	31	26	11	0	32	3	136	125	2,255
NEFS 4	24	86	86	1,840	3,428	1,659	8	2	53	327	159	11	55	10	1,594	488	5,242
NEFS 5	3	10	0	280	522	1	5	20	2	15	10	7	0	138	3	6	35
NEFS 6	16	60	24	1,008	1,878	741	10	5	33	136	95	24	36	22	1,261	236	2,728
NEFS 8	43	156	7	2,493	4,644	110	51	7	42	100	63	348	23	116	204	62	887
NEFS 10	3	11	20	61	113	247	0	1	38	38	37	0	72	7	79	39	629
NEFS 11	2	8	101	13	24	595	0	0	22	72	36	0	17	0	466	285	7,441
NEFS 12	4	13	23	32	60	195	0	0	69	18	10	0	59	2	54	17	639
NEFS 13	69	252	7	6,918	12,885	203	129	20	78	295	170	287	24	190	1,016	130	2,161
NHPB	0	0	9	0	0	6	0	0	0	1	0	0	0	0	5	5	92
SHS 1	12	43	26	823	1,532	744	4	0	28	168	68	92	35	6	1,006	262	2,299
SHS 2	7	24	37	278	518	626	8	2	9	171	55	8	11	13	885	430	5,423
SHS 3	90	329	62	10,099	18,812	5,730	41	7	74	894	428	217	36	197	8,615	1,845	18,127
Common Pool	12	42	26	245	457	215	6	18	37	61	40	13	39	136	111	45	507
Sector Total	555	2,025	786	34,147	63,606	19,050	368	76	840	3,421	1,789	1,598	748	1,006	23,600	5,985	81,946

*This table is based on preliminary fishing year 2018 sector rosters and catch limits from Framework 57, as adjusted by reductions from ACL overages in fishing year 2016. The sector total is the sum of the 2018 ACE allocated to sectors in this rule and the potential 2018 ACE that may be allocated to NEFS 7 and 9 in a future rulemaking.

#Numbers are rounded to the nearest thousand pounds. In some cases, this table shows an allocation of 0, but that sector may be allocated a small amount of that stock in tens or hundreds pounds.

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Table 3. ACE (in metric tons), by stock, for each sector for fishing year 2018.*#

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	74	269	15	1,022	1,903	284	1	0	18	21	24	1	54	15	360	190	3,464
MCCS	3	11	35	190	353	560	3	1	12	164	65	5	10	8	667	291	4,047
MPB	0	1	4	7	13	98	0	0	1	18	6	0	2	0	88	45	634
NCCS	0	2	4	21	39	50	0	0	2	2	1	0	4	2	49	22	178
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	16	59	79	1,668	3,106	1,671	3	1	89	168	119	24	78	21	1,616	208	4,722
NEFS 3	1	3	26	4	8	406	0	0	14	12	5	0	14	2	62	57	1,023
NEFS 4	11	39	39	835	1,555	753	4	1	24	148	72	5	25	4	723	221	2,378
NEFS 5	1	5	0	127	237	0	2	9	1	7	5	3	0	63	2	3	16
NEFS 6	7	27	11	457	852	336	5	2	15	62	43	11	16	10	572	107	1,237
NEFS 8	19	71	3	1,131	2,106	50	23	3	19	46	29	158	10	53	93	28	402
NEFS 10	1	5	9	28	51	112	0	0	17	17	17	0	32	3	36	18	285
NEFS 11	1	4	46	6	11	270	0	0	10	33	16	0	8	0	211	129	3,375
NEFS 12	2	6	11	15	27	89	0	0	31	8	5	0	27	1	24	8	290
NEFS 13	31	114	3	3,138	5,845	92	58	9	35	134	77	130	11	86	461	59	980
NHPB	0	0	4	0	0	3	0	0	0	0	0	0	0	0	2	2	42
SHS 1	5	20	12	373	695	337	2	0	12	76	31	42	16	3	456	119	1,043
SHS 2	3	11	17	126	235	284	4	1	4	78	25	3	5	6	401	195	2,460
SHS 3	41	149	28	4,581	8,533	2,599	19	3	34	406	194	98	17	89	3,908	837	8,222
Common Pool	5	19	12	111	207	98	3	8	17	28	18	6	18	62	50	21	230
Sector Total	252	918	357	15,489	28,851	8,641	167	34	381	1,552	811	725	339	456	10,705	2,715	37,170

*This table is based on preliminary fishing year 2018 sector rosters and catch limits from Framework 57, as adjusted by reductions from ACL overages in fishing year 2016. The sector total is the sum of the 2018 ACE allocated to sectors in this rule and the potential 2018 ACE that may be allocated to NEFS 7 and 9 in a future rulemaking.

#Numbers are rounded to the nearest metric ton, but allocations are made in pounds. In some cases, this table shows a sector allocation of 0 metric tons, but that sector may be allocated a small amount of that stock in pounds.

New Sector Exemption Approved for Fishing Year 2018

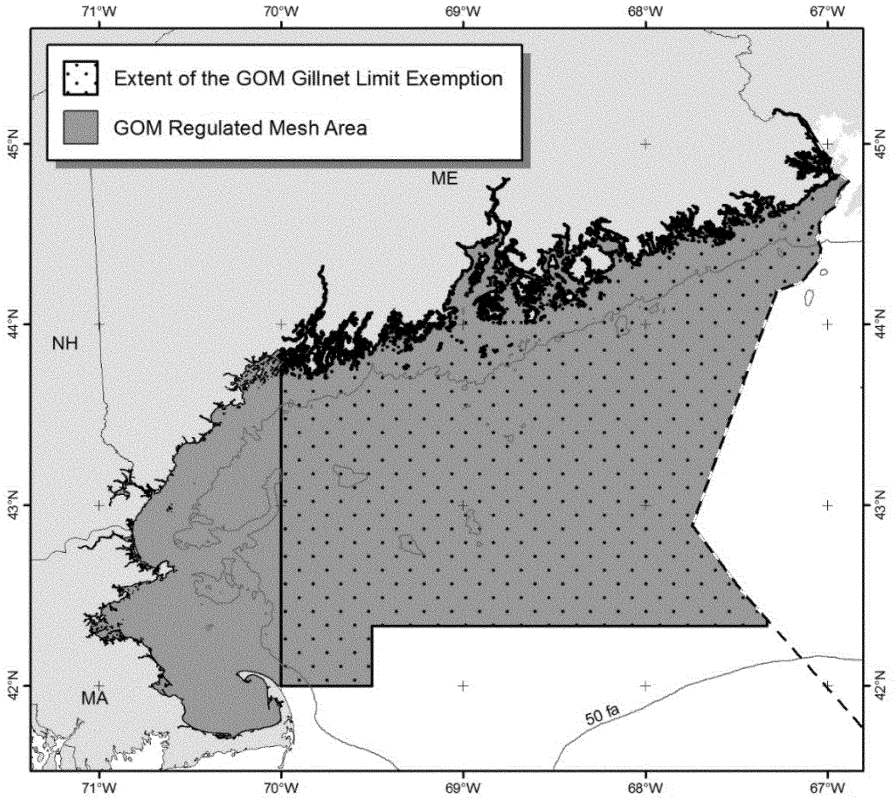
Limit on the Number of Gillnets for Day Gillnet Vessels Fishing in the Gulf of Maine

Each year, vessels fishing with gillnet gear must declare as either a ''Day'' or ''Trip'' gillnet vessel. A Day gillnet vessel is limited in the number of nets it may fish, but can return to port while leaving the gear in the water. A Trip gillnet vessel is not limited in the number of nets it may fish, but must retrieve all of its gear each trip. This action approves an exemption for Day gillnet vessels fishing in the Gulf of Maine from the current 100-net limit. The intent of this exemption is to increase opportunities for sector vessels to harvest monkfish, a healthy non-groundfish stock, while fishing on a groundfish trip. The exemption allows sector vessels to fish up to 150 gillnets, provided at least 50 nets are 10-inch (25.4-cm) or larger mesh and those nets are fished east of 70 degrees West longitude. The 100-net limit still applies in the portion of the Gulf of Maine (GOM) Regulated Mesh Area west of 70 degrees West longitude (Figure 1).

This exemption is a variation of an exemption we previously approved for Day gillnet vessels in the GOM. The original exemption allowed the use of 150 gillnets and the use of a single gillnet tag per net, as is currently allowed for sector vessels fishing in other areas. We withdrew approval of the original exemption in 2014 as part of the GOM cod emergency action (79 FR 67362; November 13, 2014) due to concerns about potential GOM cod catch from the additional gillnet effort. The new exemption approved in this action is more restrictive than the original exemption in several ways. The new exemption requires the use of larger mesh nets, limits the geographic scope of any additional nets, and does not modify tagging provisions for nets fished in the GOM. These restrictions were developed to reduce any additional impacts to GOM cod and address the concerns underlying our withdrawal of the original exemption.

This exemption does not change the 50-roundfish or ''stand up'' net limit in the GOM. Day gillnet vessels are still required to tag each roundfish net with two gillnet tags and each flatfish or ''tied down'' net with a single gillnet tag. We will not issue additional gillnet tags, so vessels must choose between fishing their full suite of roundfish nets or taking advantage of the extra nets available under this exemption. Keeping tagging provisions in place will maintain consistency and allow for better enforcement of the gillnet limits, including the 50-roundfish gillnet limit in the GOM and the overall 150-net limit. Sector vessels fishing under the exemption are also still required to comply with any regulatory measures designed to limit gear interactions with protected resources, such as the mandated use of pingers or weak-links.

Figure 1. Extent of the Approved Gulf of Maine Sectors Gillnet Limit Exemption



Comments and Responses

We received two public comments on the proposed rule. One was a joint letter from the Northeast Seafood Coalition (NSC) and the Northeast Sector Service Network (NESSN). The other comment submitted was from a member of the fishing industry, but was not relevant to the proposed measures. NSC and NESSN also resubmitted their comments on the interim final rule which withdrew approval of NEFS 9 (82 FR 55522; November 22, 2017). Only comments that related to the proposed measures are addressed below.

Approval of a New Regulatory Exemption for Sectors

Comment 1: NSC and NESSN supported the approval of the new gillnet exemption as proposed. NSC and NESSN also state that the Day gillnet fishery in the GOM will benefit from the opportunity to better target monkfish, and state that they expect impacts to the monkfish resource to be minimal.

Response: We have granted the exemption, as proposed.

Changes From the Proposed Rule

This final rule does not include allocations for NEFS 7 or NEFS 9, which were included in the proposed rule. There are no other changes from the proposed measures made in this final rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action is exempt from the procedures of Executive Order (E.O.) 12866.

This rule does not contain policies with federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

Because this rule relieves several restrictions, the NMFS Assistant Administrator finds good cause under 5 U.S.C. 553(d)(1) and (3) to waive the 30-day delay in effectiveness so that this final rule may become effective May 1, 2018. If this action is not implemented by the start of the 2018 fishing year on May 1, 2018, sectors would not have allocations, and sector vessels would be unable to fish. Sector vessels would be prohibited from fishing for groundfish until this rule was finalized. This would result in significant negative economic impacts.

Permit holders make decisions about sector enrollment based largely on allocations to permits that are based on overall available catch. The sector allocations in this rulemaking are based on catch limits set by Framework 57, which incorporates information from updated stock assessments for the 20 groundfish stocks. The development of Framework 57 was timed to rely on the best available science by incorporating the results of the assessments. This information was not finalized, however, until mid-December 2017. By regulation, rosters are required to be submitted by December 1, unless we instruct otherwise. This year, we instructed sectors to provide roster information to us by March 26, 2018, instead of December 1, 2017. This later date was necessary to provide permit holders the opportunity to use the Framework 57 catch limit information to make more fully informed decisions of where they would enroll for this fishing year. Accommodating this need for information required us to delay publishing the proposed and final rules for this action and was unavoidable.

Sector exemptions relieve restrictions that provide operational flexibility and efficiency that help avoid short-term adverse economic impacts on North east multispecies sector vessels. These exemptions provide vessels with flexibility in choosing when to fish, how long to fish, what species to target, and how much catch they may land on any given trip. This flexibility increases efficiency and reduces costs. A delay in implementing this action would forego the flexibility and economic efficiency that sector exemptions are intended to provide. Additionally, a delay in this action would delay approval of a new exemption to increase fishing opportunities for monkfish. For all of these reasons outlined above, good cause exists to waive the otherwise applicable requirement to delay implementation of this rule for a period of 30 days.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

Dated: April 26, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–09150 Filed 4–30–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180201108–8393–02]

RIN 0648–BH55

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2018 Recreational Management Measures

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

ACTION: Final rule.

SUMMARY: This action adjusts recreational management measures for Georges Bank cod and maintains status quo measures for Gulf of Maine cod and haddock for the 2018 fishing year. This action is necessary to respond to updated scientific information and to achieve the goals and objectives of the Northeast Multispecies Fishery Management Plan. The intended effect of this action is to achieve, but not exceed, the recreational catch limits.

DATES: Effective May 1, 2018.

ADDRESSES: Analyses supporting this rulemaking include the environmental assessment (EA) for Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan that the New England Fishery Management Council prepared, and a supplemental EA to Framework Adjustment 57 that the Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center prepared. Copies of these analyses are available from: Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Emily Keiley, Fishery Management Specialist, phone: 978–281–9116; email: *Emily.Keiley@noaa.gov*.

SUPPLEMENTARY INFORMATION:

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1. Gulf of Maine Recreational Management Measures for Fishing Year 2018

Background

The recreational fishery for Gulf of Maine (GOM) cod and haddock is managed under the Northeast Multispecies Fishery Management Plan (FMP). For both stocks, the FMP sets a sub-annual catch limit (sub-ACL) for the recreational fishery for each fishing year. These sub-ACLs are a portion of the overall catch limit and are based on a fixed percentage. The groundfish fishery opens on May 1 each year and runs through April 30 the following calendar year. The FMP also includes accountability measures (AM) to prevent the recreational sub-ACLs from being exceeded, or if an overage occurs, to correct its cause or mitigate its biological impact.

The proactive AM provision in the FMP authorizes the Regional Administrator, in consultation with the New England Fishery Management Council, to develop recreational management measures for the upcoming fishing year to ensure that the recreational sub-ACL is achieved, but not exceeded. Framework Adjustment 57, a concurrent action, set the groundfish ACLs and sub-ACLs for the 2018 fishing year. For 2018, the recreational GOM haddock sub-ACL increases from 1,160 mt to 3,358 mt, and the recreational GOM cod sub-ACL increases from 157 to 220 mt.

Fishing Year 2018 Recreational GOM Measures

Recreational catch and effort data are estimated by the Marine Recreational Information Program (MRIP). A peer-reviewed bioeconomic model of expected fishing practices, developed by the Northeast Fisheries Science Center, was used to estimate 2018 recreational GOM cod and haddock mortality under various combinations of minimum sizes, possession limits, and closed seasons. Based on the bioeconomic model, status quo measures were expected to constrain the catch of GOM cod to the sub-ACL only if the Commonwealth of Massachusetts prohibited the possession of GOM cod by recreational anglers in state waters for the 2018 fishing year. In 2017, Massachusetts allowed private anglers to retain one cod (possession by the for-hire fleet was prohibited). In the event that Massachusetts did not prohibit cod possession in 2018, we proposed an additional, more conservative set of measures that were expected to keep cod catch below the sub-ACL. These measures included additional restrictions for GOM haddock to help ensure cod catch was below the sub-ACL. Table 1 summarizes the status quo measures and the two options we proposed for comment.

TABLE 1—SUMMARY OF THE STATUS QUO AND PROPOSED MEASURES

Proposed measures [1]	Fleet	Haddock possession limit	Minimum fish size (inches)	Closed season	Predicted haddock catch (mt)	Probability haddock catch below sub-ACL [3]	Predicted cod catch (mt)	Probability cod catch below sub-ACL [4]
2017 Status Quo	Private	12 fish per angler	17	3/1–4/14	920	100	226	19
	For-hire			9/17–10/31.				
2018 Measures [2]	Private	12 fish per angler	17	3/1–4/14	916	100	193	57
	For-hire			9/17–10/31.				
2018 Alternative Not Selected.	Private	12 fish per angler	17	3/1–4/14, 5/1–5/31, 9/17–10/31.	839	100	198	51
	For-hire	10 fish per angler		3/1–4/14, 9/17–10/31.				

[1] GOM cod possession, in Federal waters, is prohibited in all scenarios.
[2] This option is based on the Commonwealth of Massachusetts prohibiting GOM cod possession by recreational anglers.
[3] The 2018 GOM haddock sub-ACL is 3,358 mt.
[4] The model assumed a GOM cod sub-ACL of 200 mt, the actual GOM cod sub-ACL is 200 mt.

On March 26, 2018, the Commonwealth of Massachusetts notified us that it is prohibiting recreational anglers from retaining GOM cod beginning on May 1, 2018. Because Massachusetts is prohibiting cod possession, status quo Federal GOM cod and haddock recreational management measures are expected to keep catch within the recreational sub-ACLs, while providing the most access to the healthy haddock stock. Based on the bioeconomic model the probability of status quo measures, combined with Massachusetts's regulatory change, constraining cod catch to the sub-ACL is greater than 50 percent. As a result, this final rule maintains status quo recreational management measures for GOM cod and haddock for the 2018 fishing year. These measures are summarized in Table 2 below.

TABLE 2—GOM COD AND HADDOCK RECREATIONAL MANAGEMENT MEASURES FOR FISHING YEAR 2018

Stock	Per day possession limit	Minimum fish size	Season when possession is allowed
GOM Cod	Possession Prohibited Year-Round		
GOM Haddock	12 fish per angler	17 inches (43.2 cm)	May 1–September 16, November 1–February 28, and April 15–April 30.

2. Georges Bank Cod Recreational Management Measures for Fishing Year 2018

Background

Framework 57 to the Northeast Multispecies FMP authorizes the Regional Administrator to adjust the GB cod recreational management measures for fishing years 2018 and 2019. This action was precipitated by an increasing trend in recreational catch of GB cod in recent years, including unusually high recreational catch in 2016 that contributed to an overage of the total ACL and acceptable biological catch (ABC). Unlike GOM cod and haddock, there is no recreational sub-ACL for GB cod. Because the recreational fishery does not receive an allocation for GB cod, there are no AMs for recreational

vessels in the event the catch target or the overall ACL is exceeded. As a result, the commercial groundfish fishery is required to pay back the 2016 ACL overage.

The Council did not consider a recreational sub-ACL in Framework 57 because of a lack of time to fully consider the issue and develop appropriate long-term measures in the FMP. However, as part of Framework 57, the Council recommended a catch target for us to use when considering adjustments to GB cod measures for 2018 and 2019. The catch target is based on a 5-year (2012–2016) average of recreational catch (138 mt) (Table 3).

Using a 5-year average to determine the catch target mitigates some of the uncertainty and variability in MRIP data. MRIP provides information on a 2-month wave, calendar year basis. Preliminary data are released throughout the year, and final data is released in the spring of the following year. Calendar years 2012–2016 is the most recent 5-year period for which final recreational data are available. The Council expects that recreational measures designed to achieve a target based on this average will help prevent future overages of the ACL.

TABLE 3—GEORGES BANK COD RECREATIONAL CATCH, CALENDAR YEARS 2012–2016

GB cod catch (mt)	Calendar year				
	2012	2013	2014	2015	2016
Landings	56	6	88	124	369
Discards	1	1	2	15	30
Total Catch	57	7	90	139	399
Average	138	.....	.....	.....	.....

We evaluate more recent catch in the GB cod fishery for determining what recreational measures may be necessary to achieve the catch target. For this purpose, we used data from fishing years 2015–2017, including preliminary 2017 data, which resulted in average catch of 196 mt. This more current and shorter time-period reflects more recent fishing practices. Using this 3-year average of more recent catch history provides a basis for developing measures that meaningfully address recent fishery trends and practices while reducing the chance of using overly restrictive or permissive measures that could result from relying on a single year's estimate.

Fishing Year 2018 Recreational GB Measures

Because the recreational measures currently in place for GB cod are not expected to constrain fishing year 2018 catch to the catch target, we are adjusting management measures for the 2018 fishing year, as recommended by the Council.

We consulted with the Council at its January 2018 meeting on potential changes to recreational GB cod measures. Due to the potential increase in cod encounters by recreational anglers, the poor stock condition, and that recreational measures currently in place for GB cod are not expected to constrain fishing year 2018 catch to the catch target, the Council recommended measures to limit the potential for extreme catch of cod to prevent future overages of the ACL.

To meet this goal, the Council recommended setting a possession limit for the for-hire fleet. Currently private anglers have a 10-fish possession limit, and for-hire vessels have no limit. The Council also proposed an increase in the minimum size limit from 22 up to 24 inches (55.88 up to 60.96 cm). The Council submitted a comment on the proposed rule clarifying that the recommended minimum size was 23 *or* 24 inches (58.42 cm or 60.96 cm).

Unlike for the GOM recreational fishery, there is no model available to evaluate the probability of catch amounts for the Georges Bank management changes. Because of the variability in MRIP data, and the lack of a model to simulate the potential effect of the proposed measures, it is difficult to determine the probability that measures may constrain harvest to the catch target. In such cases, we evaluate past practices and measures to develop limits that are gauged to achieve desired catch amounts.

The Council recommended the 10-fish limit as a way to minimize extreme catch events that could have an inordinate effect on exceeding the catch target if left unaddressed. In 2016, less than 1 percent of anglers landed more than 10 fish. The majority (approximately 70 percent in 2016) of anglers retained 1–3 cod. Although the 10-fish limit is not a limiting factor for most anglers, in 2016 approximately 7 percent of trips reported cod catch, per angler, of greater than 10 fish. The intent of the 10-fish possession limit is to eliminate those high catches of cod, and to dis-incentivize the targeting of cod beyond 10-fish per angler. The most recent assessment suggests that the GB cod stock biomass is increasing, likely resulting in increased catch rates in the recreational fishery and potentially more high catch incidences. Overall, however, the stock remains in poor condition.

The Council also recommended an increase to the minimum size up to 24 inches (60.96 cm) that is expected to reduce cod mortality relative to recent years. In 2016, approximately 40 percent of the cod landings were less than 24 inches (60.96 cm), and about 22 percent were less than 23 inches (58.42 cm). Because a proportion of released fish die, the mortality reduction is not equal to the amount of released fish. Currently we assume that 30 percent GB cod released by recreational anglers die.

Based on these mortality assumptions and catch data, a 2-inch (5.08-cm) increase to the minimum size would have been necessary to constrain harvest to the catch target based on the preliminary data available when the Council made its recommendation. This data included final fishing years 2015 and 2016 data, preliminary 2017 data, and projections to estimate harvest for the remainder of the fishing year. Based on the updated 2017 catch data, less reduction is necessary. As a result, we determined that increasing the minimum size by 1 inch (2.54 cm), to 23 inches (58.42 cm), is expected to achieve the necessary reduction in cod catch and minimize discards of undersized fish, while preserving recreational fishing opportunities to the extent practicable.

Effective May 1, 2018, the recreational bag limit of GB cod will be 10 fish for private and for-hire modes. The possession limit applies per day at sea. Multiday trips are allowed to retain the possession limit multiplied by the number of days of the trip. For example, if a for-hire vessel conducts a 2-day trip, anglers would be able to retain up to 20

cod per person (10 fish, per person, per day). The minimum size for GB cod will be increased to 23 inches (58.42 cm). These measures are summarized in Table 4, along with information on the current measures for comparison. We will reevaluate these measures, and make necessary adjustments for the 2019 fishing year.

TABLE 4—GEORGES BANK COD RECREATIONAL MANAGEMENT MEASURES FOR FISHING YEAR 2018 AND STATUS QUO (FISHING YEAR 2017) MEASURES

Alternatives	Fleet	Georges Bank Cod possession limit	Minimum fish size (inches)	Open season
Status Quo	Private	10	22	5/1–4/30
	For-hire	Unlimited.		
2018 Measures	Private	10	23	5/1–4/30
	For-hire.			

3. Regulatory Corrections

This rule makes two regulatory corrections under the authority of section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act, which allows the Secretary of Commerce to promulgate regulations necessary to ensure that the FMP is carried out in accordance with the Magnuson-Stevens Act. These administrative corrections are necessary and consistent with the FMP's goals and objectives.

In § 648.89(c), we added a table to summarize the recreational possession limits. This change is intended to simplify and improve clarity of the regulations.

In § 648.14(k)(16), we added the possession prohibitions for ocean pout and windowpane flounder by the recreational fishery. Possession of ocean pout and windowpane flounder is already prohibited; however, these prohibitions were omitted from the prohibitions section of the regulations. This correction is intended to improve consistency and clarity of the regulations.

4. Comments and Responses

We received 47 comments on the proposed rule. Two of the comments were not related to the proposed measures and are not discussed further. We received comments from the Council, the Stellwagen Bank Charter Boat Association (150 members), the National Party Boat Owners Alliance, the Recreational Fishing Alliance, the Connecticut Charter and Party Boat Association, the Rhode Island Party and Charter Boat Association (65 members), the Rhode Island Saltwater Anglers Association, and 39 members of the public. Twenty-two comments were on the proposed measures for GB cod, 32 comments addressed the proposed GOM measures, and some of these comments addressed both GOM and GB proposed measures. Only one individual supported the proposed GB cod measures, and a number of commenters supported a more conservative approach that would better align GB and GOM cod measures. The remaining comments supported status quo measures for GB cod. Two individuals and two organizations supported the proposed split of private and for-hire measures for GOM haddock. The remaining comments on GOM measures supported status quo Federal measures, or a liberalization of cod limits.

Gulf of Maine Management Measures

Comment 1: The Stellwagen Bank Charter Boat Association requested that we eliminate the closed season for GOM haddock from September 17 through October 31 based on the increase in the GOM haddock sub-ACL and a decrease in effort during this period. Alternatively, they suggested that we consider reducing the GOM haddock bag limit from 12 fish to 6 fish during this period to allow anglers to take home some haddock while fishing for non-groundfish species.

Response: Due to the co-occurrence of cod and haddock, the similarity in gear, and fishing techniques used to target them, it is difficult to simultaneously decrease cod catch, while increasing haddock catch. Using the bioeconomic model, we analyzed a wide variety of seasons and possession limits for haddock. The goal of the model is to maximize opportunities to target haddock while keeping cod catch within the sub-ACL. Based on the model results, we determined that both the spring and fall closures are necessary to constrain the catch of cod to the sub-ACL. Even when the haddock possession limit was decreased significantly, it did not allow for more open haddock seasons. Status quo measures will remain in place for the 2018 fishing year. This was the least constraining option possible for the GOM recreational fishery in the 2018 fishing year.

Comment 2: Six individuals commented on the increasing number of haddock and cod they are encountering while fishing recreationally in the GOM. Individuals also pointed to the increasing quotas for both GOM cod and haddock. When referring to GOM haddock, all of these comments questioned the rationale for proposing more restrictive management measures for a healthy and abundant stock.

Response: The 2017 assessment updates for GOM cod and haddock concluded that both haddock and cod populations in the GOM are increasing. GOM haddock biomass is well above the target level; however, GOM cod is still at low levels. As described in the response to *Comment 1,* cod and haddock are often caught together when recreationally fishing for groundfish in the GOM. Although the assumed discard mortality rate for GOM cod is only 15 percent, the mortality associated with cod bycatch in the directed GOM haddock fishery has resulted in cod catch greater than the recreational sub-ACL in 4 of the last 5 years. Preliminary 2017 data suggests that the 2017 sub-ACL for GOM cod would be exceeded by 55 percent despite a complete closure of the Federal cod fishery. The bioeconomic model projected 2018 cod catch greater than the cod sub-ACL in all scenarios where we modeled less restrictive haddock measures. Status quo measures for the 2018 fishing year are the least restrictive option for GOM recreational measures that allows the fishery to achieve, but not exceed, its sub-ACLs. This final rule maintains status quo measures.

We are supporting a variety of cooperative research to improve our understanding of recreational fisheries in order to increase fishing opportunities while we continue to rebuild the cod stock. Current examples include an evaluation of discard mortality, a cod bycatch avoidance program, and a study of different tackle and its impact on catch rates.

Comment 3: Ten individuals and the National Party Boat Owners Alliance supported status quo measures for the GOM haddock fishery.

Response: We agree, and this final rule maintains status quo measures for the 2018 fishing year. The proposed rule included an option that would have further restricted GOM haddock measures. The proposed changes were only necessary if the Commonwealth of Massachusetts continued to allow private anglers to retain one cod in 2018. Since the proposed rule for this action was published, Massachusetts decided to prohibit the retention of GOM cod by recreational anglers to complement Federal measures and maximize access to the abundant GOM haddock stock.

Comment 4: Two individuals, the Recreational Fishing Alliance, and the Rhode Island Party and Charter Boat Association supported the split-measures proposed for GOM haddock for private anglers and the for-hire fleet because these measures would have allowed the for-hire fleet to continue operating in May, which is an important month for the haddock fishery. These individuals and organizations only supported the split measures in the event that more restrictive measures were necessary. However, four commenters opposed the split-measures proposed for GOM haddock because private anglers do not catch as much cod as the for-hire component of the fishery.

Response: Because Massachusetts decided to prohibit the retention of GOM cod by recreational anglers, the more restrictive GOM haddock measures, including the split measures, are not necessary. Federal measures will remain status quo for the 2018 fishing year. These measures are the least restrictive of our options that will allow the most access to GOM haddock for all components of the recreational fishery in Federal waters. The month of May will remain open to haddock fishing for all anglers, at the current possession limit of 12-fish per person.

In 2016 and 2017, private recreational anglers accounted for 71 and 82 percent, respectively, of the total recreational cod catch in the Gulf of Maine. While the number of anglers on any one private boat is less than a party vessel, the number of private vessels targeting groundfish in the Gulf of Maine is significantly more than the number of for-hire vessels. The number of cod caught per angler on private vessels is also greater than when compared to party vessels. In 2017, the average number of cod caught on a private vessel was 5.9 fish per person, on party vessels the average number of cod caught was 1.6 per person.

These recent data suggest that the for-hire fleet has been able to avoid cod bycatch when fishing for haddock more effectively than private anglers. As a result, if more restrictive measures for GOM haddock were necessary in 2018, the Council recommended split measures for private anglers and the for-hire fleet. The Council intended the split measures to maximize fishing opportunities for haddock as much as possible for both components of the recreational fishery. Although the more restrictive, split measures are not necessary in 2018, consideration of different measures for private anglers and the for-hire fleet in the future may be appropriate and warranted.

Comment 5: Fifteen individuals commented on the disparity between proposing GOM cod and haddock recreational limits while the fishing year 2018 GOM cod and haddock commercial quotas are increasing.

Response: We recognize the perceived discrepancy because the Federal GOM recreational measures are not being liberalized and commercial quotas are increasing. However, we have to take into account the recreational fishery's recent past overages when considering what measures are warranted. Each year, we are required to set recreational management measures designed to achieve, but not exceed, the recreational sub-ACLs. Sometimes increasing sub-ACLs will allow us an opportunity to raise recreational limits or remove restrictions. Other times, particularly when a sub-ACL may still be at a low-level despite an increase, we cannot. This year is an example of when the GOM cod sub-ACL requires us to maintain recreational limits on both GOM cod and haddock to prevent an overage of the relatively lower recreational GOM cod sub-ACL.

Framework 57 sets the 2018 ACLs based on updated 2017 assessments. According to the 2017 stock assessments, the GOM cod and haddock stocks are increasing, although cod remains overfished and subject to a rebuilding plan. The assessments support increasing the overall ACL for both GOM cod and haddock in 2018, including both the recreational and commercial allocations. The increases for each stock differ substantially. For 2018, the haddock recreational sub-ACL increases by 290 percent, from 1,160 mt to 3,358 mt. The cod sub-ACL remains relatively low, however, and increases a much smaller amount from 157 to 220 mt. The recreational sub-ACLs are based on a fixed percentage of the total catch limit.

When considering potential measures for 2018, more liberal measures for GOM haddock were not likely to keep cod bycatch within the recreational sub-ACL, even when maintaining the prohibition on possession of GOM cod. Status quo measures were the least restrictive measures possible for 2018 that are expected to achieve the increased cod sub-ACL, with an approximately 57-percent chance of not exceeding the sub-ACL. In fishing year 2017, GOM cod catch (based on preliminary data) is estimated to be 226 mt, which is significantly more than the 2017 GOM cod sub-ACL, and slightly greater than the 2018 sub-ACL. While it is difficult to predict the performance of recreational measures, the bioeconomic model has underestimated recreational catch historically. Increasing the probability of maintaining catch under the sub-ACL provides more confidence that measures successfully keep catch within the sub-ACLs despite the inherent uncertainty in recreational data.

Comment 6: Four individuals pointed out the differences between the more liberal recreational management measures for GB cod as compared to more restrictive measures for GOM cod. The commenters stated that this difference in management measures was unfair to anglers in the Gulf of Maine.

Response: Currently, cod is managed as two distinct stocks, GOM and GB. The recreational management measures are designed to achieve, but not exceed, the catch limits for each stock. The 2018 acceptable biological catch (ABC) for GB cod is 1,591 mt, the 2018 GOM cod ABC is 703 mt. The different management measures for GOM and GB cod are based on the different catch history and catch limits. Catch of GOM cod, even when the possession limit has been zero, is significantly more than GB cod catch. In 2017, estimated catch of GB cod, in numbers, was 97,871 fish, and in the GOM estimated catch was 768,134 fish. There are also significantly more angler trips targeting cod and haddock in the GOM than GB. In 2017, approximately 151,000 angler trips were takin in the GOM compared to 62,000 in GB. Another significant factor in the distinction between management measures for GOM and GB cod is that the recreational GOM fishery is allocated GOM cod and is subject to AMs. The GB recreational cod fishery is not allocated quota, and is not subject to AMs in the event of a quota overage. The Council may revisit the allocation determinations in the future.

There is some uncertainty regarding the GOM and GB cod stock structure, degree of connectivity, and mixing.

Because of these uncertainties, and the potential management implications, the Council has planned a workshop to examine the stock structure of cod in the region. Until the stock structure and assessments are revisited, we are required to base management measures on the current stock determinations and corresponding catch limits, which is the best scientific information available. Future measures, and the relationship between GOM and GB cod management, may change depending on the outcome of the stock structure workshops.

Comment 7: Five individuals opposed the continued closure of the recreational GOM cod fishery, and instead suggested a range of possession limits from 1 to 5 cod. Commenters also recommended a variety of size limits and seasons.

Response: When compared to the 2017 catch, the 2018 sub-ACLs would allow for a 78-percent increase in haddock catch, but would require an 11-percent reduction in cod catch. Allowing the possession of one cod, even for a limited season, is projected to result in an overage of the 2018 recreational cod sub-ACL. Additionally, although recreational measures are set each year to prevent overages, the recreational fishery has exceeded their sub-ACL of cod in 4 of the last 5 years. The status quo measures maintained through this final rule are expected to constrain cod catch within the recreational sub-ACL, with a 57-percent chance of success. Based on all of the available data, these measures are the least restrictive for the 2018 fishing year that provide the maximum amount of fishing opportunities for other stocks, while keeping catch within the recreational sub-ACL.

The most recent assessment of GOM cod suggests that the stock is increasing, but remains at a low level. If this increasing trend continues, we expect additional stock rebuilding to provide increased opportunities for recreational and commercial fishermen in the future. Although the recreational sub-ACL for GOM cod is constant for the next 3 years, we will evaluate recreational measures again before the 2019 fishing year to make any necessary adjustments.

Comment 8: The Stellwagen Bank Charter Boat Association and one individual raised questions about the number of private angler trips estimated by MRIP. These commenters believe that the MRIP estimate is biased high resulting in an overestimation of catch. One individual opposed the GOM management measures based on his observation of a limited number of private vessels fishing recreationally in the GOM.

Response: Both the Recreational Advisory Panel (RAP) and the Council have discussed the number of angler trips estimated by MRIP. In 2017, the estimated number of angler trips in the GOM on private vessels was greater than 1.1 million. Of these trips, an estimated 108,000 were estimated to be targeting cod and haddock. The GOM is a large region, and while some areas may have a limited number of anglers, the overall amount of effort is high. At recent recreational meetings, and in its comment on the proposed rule for this action, the Stellwagen Bank Charter Boat Association estimated that the number of 2017 angler trips from MRIP would mean that there were 176 vessels fishing per day, every day from April 15 to September 15. This calculation assumes that no private anglers fish after the fall closure, or during closures in state waters, and that vessels have an average of 4 people on board, and it is not clear if these assumptions are reasonable. While there are some uncertainties with MRIP data, including the estimated number of angler trips, MRIP is currently the best scientific information available.

At the January 2018 RAP meeting, the RAP proposed a dedicated survey to gauge the amount of private angler effort, although the Council did not discuss this proposal further. Additionally, there are improvements being made to the MRIP sampling protocols that should improve the estimates of recreational effort, including the estimated number of private angler trips.

Comment 9: Five individuals commented that private anglers can more effectively avoid cod by-catch when fishing for haddock than the for-hire fleet.

Response: We disagree. In 2016, the average number of cod caught per angler on party boats was 4.5, and in 2017 this dropped to 1.6, representing a decrease of 64 percent. On charter boats, the average number of cod caught per person was 10.9 in 2016, and 5.9 in 2017, which is a reduction of 46 percent. Private anglers caught an average of 5.8 cod per person in 2016. In 2017, private anglers caught roughly the same number, 5.9 fish per person, which is a slight increase of 2 percent. While there is uncertainty in the estimates provided by MRIP, it is likely that the trends are representative. The data from 2016 and 2017 suggest that on average, the for-hire modes of the fishery were able to significantly reduce cod catch per person, while private anglers continued to catch approximately the same number of cod.

Georges Bank Cod Recreational Measures

Comment 10: The Council clarified that its recommendation to ''increase the minimum size fish from 22 inches (55.88 cm) up to 24 inches (60.96 cm)'' meant it would support a revised minimum size of 23 (58.42 cm) *or* 24 (60.96 cm) inches.

Response: As discussed already in the preamble of this rule, this final rule implements a minimum size of 23 inches (58.42 cm) for GB cod consistent with the Council's recommendation. The proposed rule to this action included a minimum size of 24 inches (60.96 cm) for GB cod. Although we did not specifically propose a minimum size of 23 inches (58.42 cm) as an alternative, a 23 inch (58.42 cm) minimum size was within the range of alternatives evaluated in Section 5.1 of the supplemental EA (see **ADDRESSES**). Unlike the Gulf of Maine fishery, we do not have a model to predict catches, and evaluate impacts. We used the most recent 3-year average as an estimate of current catch, and compared that estimate to the catch target. Based on that comparison we determined that we needed to make regulatory changes to reduce catch. In order to determine 2018 management measures, we evaluated trends in the fishery to determine what size and possession limits would be effective. We analyzed total catch, and landings in each mode of the fishery, as well as the size of fish being landed. Based on this analysis we have determined that a 23-inch (58.42-cm) minimum size, coupled with a 10-fish possession limit for all modes of the fishery is expected to result in catch close to the catch target.

Comment 11: Eighteen individuals and organizations commented that MRIP data varies too much and is an unreliable source of information for the development of management measures. Individuals pointed out that the low estimates (*e.g.* 2013) and high estimates (*e.g.* 2016) are not accurate estimates of the catch and should not be used as the basis for management. Some comments provided specific examples of errors with the MRIP dataset, such as the high estimate of shore catch from New Jersey in 2016.

Response: All surveys have degrees of certainty that accompany them depending on different factors including how many people were surveyed. We agree that the annual MRIP point estimates of GB cod catch, like any survey catch estimates, include a degree of uncertainty. Some uncertainty in the GB cod estimates result from the small sample size relative to the population of

recreational anglers. However, we considered MRIP data uncertainty or variability when developing the recreational fishery's management measures. Because of the known variability in annual point estimates, many recreational fishery management plans use a 3-year moving average to evaluate past catch and determine future management measures. For GB cod recreational catch, we determined that averaging the data over numerous years helps address uncertainty in the survey. The use of an average smooths the high and low estimates, and provides a more accurate picture of fishery conditions and trends.

Estimates of catch and effort must be used because it is not possible to have a complete census of all recreational anglers to capture all catch and every angler trip. MRIP is the method used to count and report marine recreational catch and effort. In January 2017, the National Academies of Science released their latest review of MRIP and recognized NMFS for making ''impressive progress'' and ''major improvements'' to MRIP survey designs since the 2006 review of MRIP. While there are some remaining challenges to MRIP surveys, we continue to make improvements including transitioning from the Coastal Household Telephone survey to the Fishing Effort Survey, which will further improve our estimates of recreational fishing effort.

Although estimates from MRIP are uncertain and variable to a degree, MRIP is currently the only source of information we have to estimate effort and catch by private recreational anglers, and is therefore the best scientific information available. As also described earlier in responses to comments on the GOM measures, we are exploring recommendations made by the RAP that would supplement the for-hire dataset. We also expect revised MRIP estimates based on the improved methodology to be released later this year. We have taken into account the uncertainty issues in the current dataset and are actively working to improve the information we use to make management decisions. In the interim, we plan to use approaches that minimize the impacts of outliers and variability.

Comment 12: One individual supported reducing the recreational catch of GB cod, but suggested that the possession limit should be more restrictive than 10 fish. The commenter noted the recreational fishery is being rewarded for overharvesting GB cod, and that the catch target should be set at a lower level consistent with catches in 2012 or before.

Response: In 2016, unusually high recreational catch reflected in the MRIP data resulted in an overage of the GB cod U.S. ABC. This overage prompted the Council to develop a short-term plan to address recreational GB cod catch, which included the recommendation of a catch target to guide the development of management measures. The catch target (138 mt) was not developed, proposed, or approved as part of this action. Additional information on the catch target can be found in Framework 57.

The Council developed the catch target based on a 5-year average, and provided us the limited authority for 2018 and 2019 to adjust recreational GB cod management measures to cap GB cod catch at this level. In this action, we only have the ability to revise the management measures relative to the catch target. The measures we plan to implement have been designed to constrain GB cod catch by the recreational fishery and prevent its catch from contributing to exceeding the overall GB cod ACL. The recreational fishery does not have an allocation (sub-ACL) of GB cod; therefore, there is no mechanism to hold that fishery accountable for any overages that may occur. The Council may choose to review recent recreational catch and determine if an allocation, and associated management and AMs, are appropriate for this fishery in a future management action. The Council would consider the performance of the management measures implemented in this final rule in developing long-term measures for the GB cod recreational fishery.

Comment 13: One individual suggested that limiting the gear types allowed to catch haddock would reduce cod bycatch better than limiting seasons.

Response: We agree that fishing methods may be an important factor influencing the bycatch rate and mortality of cod. Research is exploring the impacts of different tackle and fishing methods on discard mortality and catch rates. We continue to support (fund and participate in) these efforts so that gear modification can be used in the future as a potential tool to manage recreational fisheries. At this time, we do not have the information required to make modifications to the management measures. We will continue to support innovative gear research.

Comment 15: The National Party Boat Owners Alliance, Recreational Fishing Alliance, Rhode Island Saltwater Anglers Association, Connecticut Charter and Party Boat Association, and eleven individuals supported status quo measures for GB cod. The commenters pointed to the preliminary 2017 GB cod MRIP data, and the new estimate of 2017 GB cod catch of 51 mt. The commenters cite the 2017 estimate as evidence that GB cod catch is not increasing, and that the status quo measures should be maintained, or even more liberal measures considered.

Response: We determined that averaging numerous years of MRIP estimates better takes into account uncertainty in the MRIP data than using estimates from a single year or part of a year. We considered the preliminary 2017 wave 6 MRIP data, which became available after the Council developed its recommendations, to determine appropriate measures for the 2018 fishing year. Consistent with averaging multiple years of data, we did not rely solely on the wave 6 estimate because it is a single data point. Nor did we rely on any other single annual estimate. Even when incorporating the low preliminary 2017 estimate into the 3-year average catch calculation, the result is greater than the catch target selected by the Council. The most recent 3-year average (2015–2017) is 196 mt, compared to the 2018 catch target of 138 mt. Additional rationale is provided in the preamble of the proposed and final rule.

Comment 14: Two individuals opposed the GB cod recreational catch target because the catch target is being set at a stable level while the total GB cod ACL is increasing. Additionally, two individuals and the Rhode Island Party and Charter Boat Association questioned the use of fishing year data to calculate average catch when it is being compared to a catch target that is calculated with calendar year data.

Response: The approval of the recreational GB cod catch target was not included in this rule. It was part of Framework 57. Because the catch target is not part of this action, these comments are outside the scope of the measures approved in this final rule. However, because we use the recreational catch target to set recreational management measures, additional background on the catch target is included below. More specific responses to comments on the catch target have been included as part of the Framework 57 final rule.

The Council recommended a catch target calculated using the average of 5 calendar years of catch estimates from the most recent GB cod assessment. We do not use calendar year catch, but instead use fishing year data to estimate catch based on the most recent 3-year average catch. We selected the most recent fishing year data to estimate

catch because it allows us to include the preliminary 2017 catch estimate in the average. While the general trend is that recreational catch is increasing, the preliminary 2017 data indicate 2017 catch is lower than the unusually high catches in 2016 and more consistent with the general trend. The catch estimates are different depending on the months included in the estimate. For example, the calendar year estimate for 2016 includes data from January 2016 through December 2016, whereas the fishing year 2016 estimate includes data from May 2016 through April 2017. This naturally results in different estimates, particularly for GB cod, because the fishing season is concentrated at the end of the calendar year. However, despite small differences, the calendar year and fishing year estimates are relatively similar each year. Further, regardless of what combination of calendar year and fishing year estimates are used, the result is that recent catch exceeds the 5-year average catch target. As a result, and as more fully described in the preamble above, this final rule adjusts recreational management measures for the 2018 fishing year to ensure recreational catch does not exceed the catch target that the Council identified.

Comment 15: Eight individuals commented that the implementation of a 10-fish possession limit for the charter and party vessels would have a negative impact on their businesses. In addition, they stated that the possession limit would not actually affect cod catch, and that it was a ''feel good'' measure to appease other fisheries.

Response: Implementing a bag limit in the for-hire mode may impact these businesses negatively, primarily due to the shift in the marketing strategy because currently these vessels can market ''unlimited cod.'' However, a 10-fish bag limit is not limiting for the majority of customers. In 2016, less than 1 percent of anglers landed more than 10 fish. The majority (approximately 70 percent in 2016) of anglers retained one to three cod. Although the 10-fish limit is not a limiting factor for most anglers, in 2016 approximately 7 percent of trips reported cod catch, per angler, of greater than 10 fish. The intent of this possession limit is to eliminate high catches of cod, and the potential for high catches of cod, that could contribute to exceeding the target. The most recent stock assessment suggests that the GB cod stock biomass is increasing, likely resulting in increased catch rates in the recreational fishery and potentially more high catch trips.

In addition, the per person possession limit applies per day. Therefore, multi-day trips are allowed to retain the possession limit times the number of days-at-sea fished. For example, if a for-hire vessel takes a 2-day trip offshore, anglers can retain up to 20 cod per person (10 fish, per person, per day). This may ease some of the concerns expressed by some for-hire industry members relative to longer, offshore trips.

Comment 16: The Stellwagen Bank Charter Boat Association and six individuals commented on the connectivity between the GOM and GB cod stocks. These commenters were concerned that the difference between GOM and GB recreational management measures allows anglers to target GOM cod when they are in southern New England, further hindering the recovery of this stock, and creating an inequity between the GOM and GB anglers.

Response: The connectivity between the GOM cod stock and cod in Southern New England (currently considered GB cod) has been well documented in the scientific literature, though there is uncertainty in the degree of that connectivity. The relationship between cod in these regions is not currently included in the stock assessments or management programs. However, efforts are underway to examine the connectivity and implications. A workshop to analyze the population structure of cod is planned for this fall. Additional information on the working group can be found here: *https://www.nefsc.noaa.gov/saw/acsswg/.* These efforts may lead to changes in the assessments or management of these stocks. We agree that this is an important issue and one that will require input from the scientific community and industry to resolve. At this time, the cod population is managed and assessed as two distinct stocks (GOM and GB), and this rule only implements management measures to achieve the sub-ACL for GOM cod and catch target for GB cod.

Comment 17: The Stellwagen Bank Charter Boat Association, Rhode Island Party and Charter Boat Association, and six individuals disagreed that the proposed minimum size limit increase from 22 to 24 inches (55.88 to 60.96 cm) would improve compliance (an enforcement benefit) and better align management measures for the two cod stocks, particularly because the GOM is closed to cod fishing.

Response: We agree that the compliance benefit is likely negligible at this time because the GOM recreational cod fishery will be closed in Federal and state waters in fishing year 2018. However, if both fisheries were open, different management measures for the same species may be confusing to anglers, and is difficult to enforce, resulting in compliance issues. We have determined that a minimum size of 23 inches (58.42 cm) is more appropriate for GB cod for this year. If the GOM recreational cod fishery opens in the future, the Council may consider how to align management measures for GOM and GB in any recommendations it makes to us.

Comment 18: The Recreational Fishing Alliance, Rhode Island Party and Charter Boat Association, Rhode Island Saltwater Anglers Association, Connecticut Charter and Party Boat Association, and seven individuals opposed the proposed increase in minimum size from 22 to 24 inches (55.88 to 60.96 cm). The commenters noted the new minimum size would increase regulatory discards and could cause effort on GB cod to increase as anglers attempt to catch larger cod. These commenters did not feel that changing the size limit would be an effective tool to control mortality of GB cod, and would result in long-term consequences for the fishery.

Response: The minimization of discards is an overall objective of U.S. fisheries management (National Standard 9). Increasing the minimum size is likely to result in an increase in regulatory discards. However, the amount discards would increase is difficult to estimate because it is not only related to the minimum size, but the structure of the cod population. For example, a large year-class of cod propagating through the fishery may be greater than the minimum size, and may represent the majority of fish available to the fishery. In this scenario, discards may decline or remain constant despite an increase in the minimum size. The implementation of a 23 inch (58.42 cm) minimum size, as opposed to 24 inches (60.96 cm), is an attempt to balance these competing issues.

While minimizing discards is important, the overall reduction of mortality is more important. The current GB cod assessment assumes that 30 percent of fish discarded in the recreational fishery die, meaning that 70 percent survive. So, although discards may increase as a result of this action, the majority of these fish survive.

Previously, the Council had recommended a non-binding prioritization of possible measures recommended for consideration when developing recreational management measures. For cod, first increases to minimum fish sizes, then adjustments to seasons, followed by changes to bag limits; and for haddock, first increases to minimum size limits, then changes to bag limits, and then adjustments to

seasons. This prioritization was considered when determining what type of management changes should be considered for GB cod.

Comment 19: The Recreational Fishing Alliance, National Party Boat Owners Alliance, and three individuals disagreed that recreational GB cod catch is increasing. These commenters suggest that the increasing trend is only seen ''on paper'' and the reality is that recreational catches have been consistent over the past 10 years.

Response: The annual estimates of GB cod recreational catch are highly variable; however, the data available suggest an increasing trend in GB cod catch, since a low in 2013. This trend is reasonable to believe given the increasing GB cod stock, and the closure of the GOM to recreational cod fishing. Estimated recreational GB cod catch, from the 2017 assessment, depicts increasing recreational catch from 2007 to 2011, low catches in 2012 and 2013, followed by a sharp increase through 2016. It is difficult to resolve long-term trend in the fishery, particularly given the variability of the MRIP estimates, the impacts of the stock size, and other factors that may influence an angler's decision to fish recreationally. Given the uncertain impact of these variables, we have decided to compare the most recent 3-year average to the Council's proposed catch target. We have the flexibility to adjust measures for the 2019 fishing year if updated catch information alters the outcome of this analysis.

Classification

The Administrator, Greater Atlantic Region, NMFS, determined that these measures are necessary for the conservation and management of the Northeast multispecies fishery and that the measures are consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

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

This final rule does not contain policies with Federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries finds good cause to make this rule effective May 1, 2018. This final rule implements reductions from the current recreational management measures for GB cod that will remain in place until this rule is effective. Delaying the effective date of this rule increases the likelihood that recreational catch in the 2018 fishing year will exceed the catch target, and potentially contribute to an overage of the overall ACL. In fishing year 2016, the GB cod ACL and ABC were exceeded. GB cod is overfished and overfishing is occurring, and it is critical that the 2018 recreational management measures, which will reduce cod mortality, go into effect with the start of the fishing year to ensure that the catch limit is not exceeded again. Thus, delaying implementation of these measures would be contrary to the public interest of ensuring that GB cod catch limits are not exceeded.

The Northeast Multispecies fishing year begins on May 1 of each year and continues through April 30 of the following calendar year. Altering recreational management measures too far after the season has begun is problematic because it negatively impacts business planning for the for-hire segment of the fishery, causes confusion in the fishery, and may result in less compliance with the regulations.

NMFS could not have finalized this action earlier because of the availability of recreational data from MRIP. We, in consultation with the Council, develop recreational management measures using MRIP data. Effort and catch in the current fishing year is used to gauge performance relative to the catch limits, and for GOM cod and haddock MRIP data is used in the bioeconomic model to evaluate management options. The collection and processing of recreational data creates a very compressed period for development and consideration of options, consulting with the Council process, and completing proposed and final rulemaking. MRIP data is collected on a calendar year basis in 2-month waves. Preliminary data from the summer and fall, when recreational effort is significant, is not available until December, so analyses are not ready until January at the earliest. We consulted with the Council in January 2018. On January 31, 2018, the Council voted to recommend to us the suite of recreational measures we are implementing. In addition to this consultation process, we must fully evaluate and analyze the measures under consideration. This involves not only the bioeconomic model output presented in January, but also includes an environmental analysis of the recommended measures, consistent with the National Environmental Policy Act (NEPA) requirements, and a systematic review of compliance with other applicable laws. In order to evaluate the impact of the 2016 recreational catch overages, and the proposed management alternatives, we needed to consider them in the context of total catch and catch limits. Final data on commercial catch of GOM and GB cod and haddock, and the portion of the catch limit that was caught, was not available until February 2018.

For the reasons outlined, NMFS finds that there is good cause to waive the requirement to provide a 30-day delay in implementation.

Regulatory Flexibility Act (RFA)

A final regulatory flexibility analysis (FRFA) was prepared for this action. The FRFA incorporates the IRFA and a summary of the analyses completed to support the action. NMFS did not receive any comments that were specifically in response to the IRFA. The FRFA incorporates sections of the preamble (**SUPPLEMENTARY INFORMATION**) and analyses supporting this rulemaking, including the Framework Adjustment 57 EA and the supplemental EA to Framework Adjustment 57 (see **ADDRESSES**). A description of the action, why it is being considered, and the legal basis for this action are contained in the supplemental information report and preamble to the proposed rule, and are not repeated here. A summary of the analyses follows.

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

Our responses to all of the comments received on the proposed rule, including those that raised significant issues with the proposed action can be found in the Comments and Responses section of this rule. In the proposed rule we solicited comments on two options for GOM cod, and one option for GB cod. The majority of comments supported implementing the measures that the NEFMC recommended for the GOM (status quo), and opposed changes to the GB cod recreational management measures. There were no comments that specifically addressed the IRFA.

Description and Estimate of the Number of Small Entities to Which This Rule Would Apply

The Small Business Administration (SBA) defines a small commercial finfishing or shellfishing business (NAICS code 11411) as a firm with annual receipts (gross revenue) of up to $11.0 million for Regulatory Flexibility Act compliance purposes only. A small

for-hire recreational fishing business is defined as a firm with receipts of up to $7.5 million (NAICS code 487210). Having different size standards for different types of fishing activities creates difficulties in categorizing businesses that participate in multiple fishing related activities. For purposes of this assessment, business entities have been classified into the SBA-defined categories based on which activity produced the highest percentage of average annual gross revenues from 2014–2016. This is the most recent 3-year period for which data are available. Ownership data in the Northeast permit database identify all individuals who own fishing vessels. Using this information, vessels can be grouped together according to common owners. The resulting groupings were treated as a fishing business for purposes of this analysis. Revenues summed across all vessels in a group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business.

The proposed regulations include closed seasons in addition to possession limits and size limits. For purposes of this analysis, it is assumed that all three types of recreational fishing restrictions may directly affect for-hire businesses. According to the FMP, it is unlawful for the owner or operator of a charter or party boat issued a valid multispecies permit, when the boat is carrying passengers for hire, to:

- Possess cod or haddock in excess of the possession limits.
- Fish with gear in violation of the regulations.
- Fail to comply with the applicable restrictions if transiting the GOM Regulated Mesh Area with cod or haddock on board that was caught outside the GOM Regulated Mesh Area.

As the for-hire owner and operator can be prosecuted under the law for violations of the proposed regulations, for-hire business entities are considered directly affected in this analysis. Private recreational anglers are not considered ''entities'' under the RFA, and thus economic impacts on anglers are not discussed here.

For-hire fishing businesses are required to obtain a Federal charter/party multispecies fishing permit in order to carry passengers to fish for cod or haddock. Thus, the affected businesses entities of concern are businesses that hold Federal multispecies for-hire fishing permits. While all business entities that hold for-hire permits could be affected by changes in recreational fishing restrictions, not all businesses that hold for-hire permits actively participate in a given year. The regulations affect the group of business entities who actively participate, *i.e.,* land fish. Latent fishing power (in the form of unfished permits) has the potential to alter the impacts on a fishery. However, it is not possible to predict how many of these latent business entities will or will not participate in this fishery in fishing year 2018.

The Northeast Federal landings database (*i.e.,* vessel trip report data) indicates that a total of 661 vessels held a multispecies for-hire fishing permit in 2016. This is the most recent full year of available data. Of the 661 for-hire permitted vessels, only 164 actively participated in the for-hire Atlantic cod and haddock fishery in fishing year 2016 (*i.e.,* reported catch of cod or haddock).

Using vessel ownership information developed from Northeast Federal permit data and Northeast vessel trip report data, it was determined that the 164 actively participating for-hire vessels are owned by 151 unique fishing business entities. The vast majority of the 151 fishing businesses were solely engaged in for-hire fishing, but some also earned revenue from shellfish and/or finfish fishing. For all but 23 of these fishing businesses, the revenue from for-hire fishing was greater than the revenue from shellfishing and the revenue from finfish fishing.

According to the SBA size standards, small for-hire businesses are defined as firms with annual receipts of up to $7.5 million. Small commercial finfishing or shellfishing businesses are defined as firms with annual receipts (gross revenue) of up to $11.0 million. Average annual gross revenue estimates calculated from the most recent 3 years (2014–2016) indicate that none of the 151 fishing business entities had annual receipts of more than $2.8 million from all of their fishing activities (for-hire, shellfish, and finfish). Therefore, all of the affected fishing business entities are considered ''small'' based on the SBA size standards.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of This Rule

There are no reporting, recordkeeping, or other compliance requirements.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Rule

The action is authorized by the regulations implementing the Northeast Multispecies FMP. It does not duplicate, overlap, or conflict with other Federal rules.

Description of Significant Alternatives to the Rule Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

There are three options that were presented to the Council that would accomplish the objectives, but are not being proposed. Options 5 and 6 were only discussed by the Council, and while they would achieve the objective, were not selected. The options presented, but not proposed, were rejected either because they did not achieve the required cod sub-ACL, or they had significant negative impacts on the for-hire fleet (*e.g.,* Option 2, a May closure). The options proposed in this action minimize, to the extent practical, the impact on small entities.

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Table 5: Projected Fishing Year 2018 Recreational Cod and Haddock Catch under Alternative Measures

Option	Had Limit	Had Size	Had Closed Season	Total Mortality mt (Median)	Cod Limit	Cod Closed Season	Total Mortality mt (Median)	Angler Trips (Median)	Had ACL (out of 100 (Simulations)	Cod ACL (out of 100 (Simulations)*
0 (Status Quo)	12	17"	Mar-Apr 14, Sep 17 - Oct 31	920	0	May-Apr	226	155,733	100	19
1 (Status Quo, no MA Cod Possession)	12	17"	Mar-Apr 14, Sep 17 - Oct 31	916	0	May-Apr	193	155,160	100	57
2 (Additional May Had Closure)	12	17"	Mar-Apr 14, May, Sep 17 - Oct 31	822	0	May-Apr	194	150,713	100	56
3 (No MA Cod Possession, no Had Minimum Size)	12		Mar-Apr 14, Sep 17 - Oct 31	979	0	May-Apr	213	162,543	100	34
4 (Additional May Had Closure, no Had Minimum Size)	12		Mar-Apr 14, May, Sep 17 - Oct 31	864	0	May-Apr	203	157,731	100	45
5 (Additional May Had Closure, 16" Had Minimum Size)	12	16"	Mar-Apr 14, May, Sep 17 - Oct 31	835	0	May-Apr	198	153,441	100	51
6 (Additional May Had Closure, 15" Had Minimum Size)	12	15"	Mar-Apr 14, May, Sep 17 - Oct 31	854	0	May-Apr	200	157,203	100	50
7 (Split Measures by Mode)	10 FH 12	17"	Mar-Apr 14, Sep 17 - Oct 31 Mar-Apr 14, May, Sep 17 - Oct 31	839	0	May-Apr	198	152,091	100	51

FY 2018 rec sub-ACLs: haddock = 3,358 mt, cod = 220 mt - payback

*Assumes a cod sub-ACL of 200 mt

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Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity

compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office (see **ADDRESSES**), and the guide, *i.e.,* bulletin, will be sent to all holders of permits for the Northeast multispecies fishery. The guide and this final rule will be available upon request.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 26, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, add paragraphs (k)(16)(viii) and (ix) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(16) * * *

(viii) *Ocean pout.* If fishing under the recreational or charter/party regulations, possess ocean pout.

(ix) *Windowpane flounder.* If fishing under the recreational or charter/party regulations, possess windowpane flounder.

* * * * *

■ 3. In § 648.89, revise paragraphs (b) and (c) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(b) *Recreational minimum fish sizes*—(1) *Minimum fish sizes.* Unless further restricted under this section, persons aboard charter or party boats permitted under this part and not fishing under the NE multispecies DAS program or under the restrictions and conditions of an approved sector operations plan, and private recreational fishing vessels in or possessing fish from the EEZ, may not possess fish smaller than the minimum fish sizes, measured in total length, as follows:

Species	Minimum size	
	Inches	cm
Cod:		
Inside GOM Regulated Mesh Area [1]	24	61.0
Outside GOM Regulated Mesh Area [1]	23	58.4
Haddock:		
Inside GOM Regulated Mesh Area [1]	17	43.2
Outside GOM Regulated Mesh Area [1]	18	45.7
Pollock	19	48.3
Witch Flounder (gray sole)	14	35.6
Yellowtail Flounder	13	33.0
American Plaice (dab)	14	35.6
Atlantic Halibut	41	104.1
Winter Flounder (black back)	12	30.5
Redfish	9	22.9

[1] GOM Regulated Mesh Area specified in § 648.80(a).

(2) *Exceptions*—(i) *Fillet size.* Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(ii) *Transiting.* Vessels in possession of cod or haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with cod and haddock that meet the minimum size specified for fish caught outside the GOM Regulated Mesh Area specified in § 648.80(b)(1), provided all bait and hooks are removed from fishing rods, and any cod and haddock on board has been gutted and stored.

(3) *Fillets.* Fish fillets, or parts of fish, must have at least 2 square inches (5.1 square cm) of skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. The skin must be contiguous and must allow ready identification of the fish species.

(c) *Possession Restrictions*—(1) *Private recreational vessels.* Persons aboard private recreational fishing vessels in or possessing fish from the EEZ, during the open season listed in the column titled ''Open Season'' in Table 1 to paragraph (c), may not possess more fish than the amount listed in the column titled ''Daily Possession Limit'' in Table 1 to paragraph (c).

(i) *Closed season.* Persons aboard private recreational fishing vessels may not possess species, as specified in the column titled ''Species'' in Table 1 to paragraph (c), in or from the EEZ during that species closed season as specified in the column titled ''Closed Season'' in Table 1 to paragraph (c).

TABLE 1 TO PARAGRAPH (c)

Species	Open season	Daily possession limit	Closed season
GB Cod	All Year	10	N/A.
GOM Cod	CLOSED	No retention	All Year.
GB Haddock	All Year	Unlimited	N/A.

TABLE 1 TO PARAGRAPH (c)—Continued

Species	Open season	Daily possession limit	Closed season
GOM Haddock	June 1–September 16; November 1–February 28 (or 29); April 15–30.	12	September 17–October 31; March 1–April 14; May 1–31.
GB Yellowtail Flounder	All Year	Unlimited	N/A.
SNE/MA Yellowtail Flounder	All Year	Unlimited	N/A.
CC/GOM Yellowtail Flounder	All Year	Unlimited	N/A.
American Plaice	All Year	Unlimited	N/A.
Witch Flounder	All Year	Unlimited	N/A.
GB Winter Flounder	All Year	Unlimited	N/A.
GOM Winter Flounder	All Year	Unlimited	N/A.
SNE/MA Winter Flounder	All Year	Unlimited	N/A.
Redfish	All Year	Unlimited	N/A.
White Hake	All Year	Unlimited	N/A.
Pollock	All Year	Unlimited	N/A.
N. Windowpane Flounder	CLOSED	No retention	All Year.
S. Windowpane Flounder	CLOSED	No retention	All Year.
Ocean Pout	CLOSED	No retention	All Year.
Atlantic Halibut	See paragraph (c)(3).		
Atlantic Wolffish	CLOSED	No retention	All Year.

(2) *Charter or Party Boats.* Persons aboard party or charter boats in or possessing fish from the EEZ, during the open season listed in the column titled ''Open Season'' in Table 2 to paragraph (c), may not possess more fish than the amount listed in the column titled ''Daily Possession Limit'' in Table 2 to paragraph (c).

TABLE 2 TO PARAGRAPH (c)

Species	Open season	Daily possession limit	Closed season
GB Cod	All Year	10	N/A.
GOM Cod	CLOSED	No retention	All Year.
GB Haddock	All Year	Unlimited	N/A.
GOM Haddock	May 1–September 16; November 1–February 28 (or 29); April 15–30.	10	September 17–October 31; March 1–April 14.
GB Yellowtail Flounder	All Year	Unlimited	N/A.
SNE/MA Yellowtail Flounder	All Year	Unlimited	N/A.
CC/GOM Yellowtail Flounder	All Year	Unlimited	N/A.
American Plaice	All Year	Unlimited	N/A.
Witch Flounder	All Year	Unlimited	N/A.
GB Winter Flounder	All Year	Unlimited	N/A.
GOM Winter Flounder	All Year	Unlimited	N/A.
SNE/MA Winter Flounder	All Year	Unlimited	N/A.
Redfish	All Year	Unlimited	N/A.
White Hake	All Year	Unlimited	N/A.
Pollock	All Year	Unlimited	N/A.
N Windowpane Flounder	CLOSED	No retention	All Year.
S Windowpane Flounder	CLOSED	No retention	All Year.
Ocean Pout	CLOSED	No retention	All Year.
Atlantic Halibut	See Paragraph (c)(3).		
Atlantic Wolffish	CLOSED	No retention	All Year.

(3) *Atlantic halibut.* Vessels permitted under this part, and recreational fishing vessels fishing in the EEZ, may not possess more than one Atlantic halibut on board the vessel.

(4) *Accounting of daily possession limit.* For the purposes of determining the per day trip limit for cod and haddock for private recreational fishing vessels and charter or party boats, any trip in excess of 15 hours and covering 2 consecutive calendar days will be considered more than 1 day. Similarly, any trip in excess of 39 hours and covering 3 consecutive calendar days will be considered more than 2 days and, so on, in a similar fashion.

(5) *Fillet conversion.* For purposes of counting fish for cod and haddock for private recreational fishing vessels and charter or party boats, if fish are filleted, fillets will be converted to whole fish by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(6) *Application of daily possession limit.* Compliance with the daily possession limit for cod and haddock harvested by party, charter, and private recreational fishing vessels, in or from the EEZ, with more than one person aboard, will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the daily possession limit

on board a vessel carrying more than one person the violation shall be deemed to have been committed by the owner or operator of the vessel.

(7) *Storage.* Cod and haddock must be stored so as to be readily available for inspection.

* * * * *

[FR Doc. 2018–09163 Filed 4–30–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151211999–6343–02]

RIN 0648–XG175

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Cod Trimester Total Allowable Catch Area Closure for the Common Pool Fishery

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

ACTION: Temporary rule; area closure.

SUMMARY: This action closes the Gulf of Maine Cod Trimester Total Allowable Catch Area to Northeast multispecies common pool vessels fishing with trawl gear, sink gillnet gear, and longline/hook gear. The closure is required by regulation because the common pool fishery is projected to have caught 90 percent of its Trimester 3 quota for Gulf of Maine cod. This closure is intended to prevent an overage of the common pool's quota for this stock.

DATES: This action is effective April 26, 2018, through April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, (978) 281–9232.

SUPPLEMENTARY INFORMATION: Federal regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close a common pool Trimester Total Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC is projected to be caught. The closure applies to all common pool vessels fishing with gear capable of catching that stock for the remainder of the trimester.

Based on catch data through April 23, 2018, the common pool fishery is projected to have caught approximately 90 percent of the Trimester 3 TAC (3.0 mt) for Gulf of Maine (GOM) cod on April 24, 2018. Projections show that catch will likely reach 100 percent of the annual quota by April 26, 2018. Effective April 26, 2018, the GOM Cod Trimester TAC Area is closed for the remainder of Trimester 3, through April 30, 2018. This closure applies to all common pool vessels fishing on a Northeast multispecies trip with trawl gear, sink gillnet gear, and longline/hook gear. The GOM Cod Trimester TAC Area consists of statistical areas 513 and 514. The area reopens at the beginning of Trimester 1 of the 2018 fishing year on May 1, 2018.

If a vessel declared its trip through the Vessel Monitoring System (VMS) or the interactive voice response system, and crossed the VMS demarcation line prior to April 26, 2018, it may complete its trip within the GOM Cod Trimester TAC Area. A vessel that has set gillnet gear prior to April 26, 2018, may complete its trip by hauling such gear.

If the common pool fishery exceeds its total quota for a stock in the 2017 fishing year, the overage must be deducted from the common pool's quota for that stock for fishing year 2018. Any uncaught portion of the common pool's total annual quota may not be carried over into the following fishing year.

Weekly quota monitoring reports for the common pool fishery are on our website at: *http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm.* We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch information through April 23, 2018, only recently became available indicating that the common pool fishery is projected to have caught 90 percent of its Trimester 3 TAC for GOM cod on April 24, 2018. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent the immediate closure of the GOM Cod Trimester TAC Area. This would be contrary to the regulatory requirement and would increase the likelihood that the common pool fishery would exceed its trimester or annual quota of GOM cod to the detriment of this stock. This could undermine management objectives of the Northeast Multispecies Fishery Management Plan. Fishermen expect these closures to occur in a timely way to prevent overages and their payback requirements. Overages of the trimester or annual common pool quota could cause negative economic impacts to the common pool fishery as a result of overage paybacks deducted from a future trimester or fishing year.

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

Dated: April 26, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–09138 Filed 4–26–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180110022–8383–02]

RIN 0648–BH52

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 57

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

ACTION: Final rule.

SUMMARY: This action approves and implements Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan, as recommended by the New England Fishery Management Council. This rule sets 2018–2020 catch limits for 20 multispecies (groundfish) stocks, adjusts allocations for several fisheries, revises accountability measures, and makes other minor changes to groundfish management measures. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the fishery management plan. The final measures are intended to prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are

based on the best scientific information available.

DATES: Effective on May 1, 2018.

ADDRESSES: Copies of Framework Adjustment 57, including the Environmental Assessment, the Regulatory Impact Review, and the Regulatory Flexibility Act Analysis prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Policy Analyst, phone: 978–281–9145; email: *Mark.Grant@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

1. Summary of Approved Measures

This action approves the management measures in Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan (FMP). The measures implemented in this final rule are:

- Fishing year 2018 shared U.S./Canada quotas for Georges Bank (GB) yellowtail flounder and eastern GB cod and haddock;
- Fishing year 2018–2020 specifications for 20 groundfish stocks;
- Revisions to the common pool trimester total allowable catch (TAC) allocations for several stocks;
- Revisions to the accountability measures (AM) for Atlantic halibut for vessels issued any Federal permit;
- Revisions to the AMs for southern windowpane flounder for non-groundfish trawl vessels;
- Revisions to the trigger for the scallop fishery's AM for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; and
- Regional Administrator authority to adjust recreational measures for GB cod.

This action also implements a number of other measures that are not part of Framework 57, but that are implemented under Regional Administrator authority included in the Northeast Multispecies FMP or Secretarial authority to address administrative matters under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act. We are implementing these measures in conjunction with the Framework 57 measures for expediency purposes, and because these measures are related to the catch limits in Framework 57. The additional measures implemented by this action are listed below:

- *Management measures for the common pool fishery*—this action adjusts fishing year 2018 trip limits for the common pool fishery.
- *Adjustments for fishing year 2016 catch overages*—this action reduces the 2018 allocations of GB cod, Gulf of Maine (GOM) cod, and witch flounder due to catch limit overages that occurred in fishing year 2016.
- *Other regulatory corrections*—this action corrects a minor rounding error in the regulations for the common pool trimester TACs.

2. 2018 Fishing Year U.S./Canada Quotas

Management of Transboundary Georges Bank Stocks

As described in the proposed rule, eastern GB cod, eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the United States/Canada Resource Sharing Understanding. This action adopts shared U.S./Canada quotas for these stocks for fishing year 2018 based on 2017 assessments and the recommendations of the Transboundary Management Guidance Committee (TMGC). The 2018 shared U.S./Canada quotas, and each country's allocation, are listed in Table 1. For a more detailed discussion of the TMGC's 2018 catch advice, see the TMGC's guidance document at: *https://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/announcements/2017tmgcguiddoc.pdf*.

TABLE 1—FISHING YEAR 2018 U.S./CANADA QUOTAS (MT, LIVE WEIGHT) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB Yellowtail flounder
Total Shared Quota	951	40,000	300
U.S. Quota	257 (27%)	15,600 (39%)	213 (71%)
Canadian Quota	694 (73%)	24,400 (61%)	87 (29%)

The regulations implementing the U.S./Canada Resource Sharing Understanding require deducting any overages of the U.S. quota for eastern GB cod, eastern GB haddock, or GB yellowtail flounder from the U.S. quota in the following fishing year. If catch information for the 2017 fishing year indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quotas for the 2018 fishing year in a future management action, as close to May 1, 2018, as possible. If any fishery that is allocated a portion of the U.S. quota (*e.g.,* scallop fishery, sectors, or common pool) exceeds its allocation and causes an overage of the overall U.S. quota, the overage reduction would only be applied to that fishery's allocation in the following fishing year. This ensures that catch by one component of the overall fishery does not negatively affect another component of the overall fishery.

3. Catch Limits for the 2018–2020 Fishing Years

Summary of the Catch Limits

Framework 55 (81 FR 26412; May 2, 2016) adopted fishing year 2016–2018 catch limits for all groundfish stocks, except for the U.S./Canada stocks,

which are set annually. Framework 56 (82 FR 35660; August 1, 2017) implemented fishing year 2017–2019 catch limits for witch flounder and 2017 U.S./Canada quotas. This rule adopts catch limits for the 2018–2020 fishing years for all groundfish stocks. The catch limits implemented in this action, including overfishing limits (OFL), acceptable biological catches (ABC), and annual catch limits (ACL), can be found in Tables 2 through 9. A summary of how these catch limits were developed, including the distribution to the various fishery components, was provided in the proposed rule and in Appendix II (Calculation of Northeast Multispecies Annual Catch Limits, FY 2018—FY 2020) to the Framework 57 Environmental Assessment, and is not repeated here.

The sector and common pool sub-ACLs implemented in this action are based on fishing year 2018 potential sector contributions (PSC) and final fishing year 2017 sector rosters. All permits enrolled in a sector, and the vessels associated with those permits, have until April 30, 2018, to withdraw from a sector and fish in the common pool for the 2018 fishing year. In addition to the enrollment delay, all permits that change ownership after December 1, 2017, may join a sector through April 30, 2018. We will publish final sector and common pool sub-ACLs based on final 2018 sector rosters as soon as practicable after the start of the 2018 fishing year. Initial 2018 sector allocations are being established in a separate, concurrent rulemaking.

TABLE 2—FISHING YEARS 2018–2020 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES

[Mt, live weight]

Stock	2018		Percent change from 2017	2019		2020	
	OFL	U.S. ABC		OFL	U.S. ABC	OFL	U.S. ABC
GB Cod	3,047	1,591	139	3,047	2,285	3,047	2,285
GOM Cod	938	703	41	938	703	938	703
GB Haddock	94,274	48,714	−15	99,757	48,714	100,825	73,114
GOM Haddock	16,954	13,131	190	16,038	12,490	13,020	10,186
GB Yellowtail Flounder	UNK	213	3	UNK	300		
SNE/MA Yellowtail Flounder	90	68	−75	90	68	90	68
CC/GOM Yellowtail Flounder	662	511	20	736	511	848	511
American Plaice	2,260	1,732	30	2,099	1,609	1,945	1,492
Witch Flounder	UNK	993	13	UNK	993	UNK	993
GB Winter Flounder	1,083	810	7	1,182	810	1,756	810
GOM Winter Flounder	596	447	−45	596	447	596	447
SNE/MA Winter Flounder	1,228	727	−7	1,228	727	1,228	727
Redfish	15,451	11,552	5	15,640	11,785	15,852	11,942
White Hake	3,885	2,938	−20	3,898	2,938	3,916	2,938
Pollock	51,680	40,172	88	53,940	40,172	57,240	40,172
N. Windowpane Flounder	122	92	−49	122	92	122	92
S. Windowpane Flounder	631	473	−24	631	473	631	473
Ocean Pout	169	127	−23	169	127	169	127
Atlantic Halibut	UNK	104	−34	UNK	104	UNK	104
Atlantic Wolffish	120	90	10	120	90	120	90

SNE/MA = Southern New England/Mid-Atlantic; CC = Cape Cod; N = Northern; S = Southern.
NOTE: An empty cell indicates no OFL/ABC is adopted for that year. These catch limits will be set in a future action.

Closed Area I Hook Gear Haddock Special Access Program

Overall fishing effort by both common pool and sector vessels in the Closed Area I Hook Gear Haddock Special Access Program (SAP) is controlled by an overall TAC for GB haddock, which is the target species for this SAP. The GB haddock TAC for the SAP is based on the amount allocated to this SAP for the 2004 fishing year (1,130 mt) and adjusted according to the change of the western GB haddock biomass in relationship to its size in 2004. Based on this formula, the GB Haddock TAC for this SAP is 2,511 mt for the 2018 fishing year. Once this overall TAC is caught, the Closed Area I Hook Gear Haddock SAP will be closed to all groundfish vessels for the remainder of the fishing year.

TABLE 3—CATCH LIMITS FOR THE 2018 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod	1,519	1,360	1,335	25					16	143
GOM Cod	666	610	377	13	220				47	9
GB Haddock	46,312	44,659	44,348	311		680			487	487
GOM Haddock	12,409	12,097	8,643	95	3,358	122			95	95
GB Yellowtail Flounder	206	169	167	3			33.1	4.0	0.0	0.0
SNE/MA Yellowtail Flounder	66	42	34	8			4		2	17

TABLE 3—CATCH LIMITS FOR THE 2018 FISHING YEAR—Continued

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
CC/GOM Yellowtail Flounder	490	398	381	18	.....	.....	.....	.....	51	41
American Plaice	1,649	1,580	1,550	29	.....	.....	.....	.....	35	35
Witch Flounder	948	849	830	19	.....	.....	.....	.....	40	60
GB Winter Flounder	787	731	725	6	.....	.....	.....	.....	0	57
GOM Winter Flounder	428	357	339	18	.....	.....	.....	.....	67	4
SNE/MA Winter Flounder	700	518	456	62	.....	.....	.....	.....	73	109
Redfish	10,986	10,755	10,696	59	.....	.....	.....	.....	116	116
White Hake	2,794	2,735	2,713	22	.....	.....	.....	.....	29	29
Pollock	38,204	37,400	37,163	237	.....	.....	.....	.....	402	402
N. Windowpane Flounder	86	63	na	63	.....	.....	18	.....	2	3
S. Windowpane Flounder	457	53	na	53	.....	.....	158	.....	28	218
Ocean Pout	120	94	na	94	.....	.....	.....	.....	3	23
Atlantic Halibut	100	77	na	77	.....	.....	.....	.....	21	2
Atlantic Wolffish	84	82	na	82	.....	.....	.....	.....	1	1

TABLE 4—CATCH LIMITS FOR THE 2019 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod	2,182	1,954	1,918	36	.....	.....	.....	.....	23	206
GOM Cod	666	610	377	13	220	.....	.....	.....	47	9
GB Haddock	46,312	44,659	44,348	311	.....	680	.....	.....	487	487
GOM Haddock	11,803	11,506	8,222	90	3,194	116	.....	.....	91	91
GB Yellowtail Flounder	291	239	235	4	.....	.....	47	6	0	0
SNE/MA Yellowtail Flounder	66	32	26	6	.....	.....	15	.....	2	17
CC/GOM Yellowtail Flounder	490	398	381	18	.....	.....	.....	.....	51	41
American Plaice	1,532	1,467	1,440	27	.....	.....	.....	.....	32	32
Witch Flounder	948	849	830	19	.....	.....	.....	.....	40	60
GB Winter Flounder	787	731	725	6	.....	.....	.....	.....	0	57
GOM Winter Flounder	428	357	339	18	.....	.....	.....	.....	67	4
SNE/MA Winter Flounder	700	518	456	62	.....	.....	.....	.....	73	109
Redfish	11,208	10,972	10,911	60	.....	.....	.....	.....	118	118
White Hake	2,794	2,735	2,713	22	.....	.....	.....	.....	29	29
Pollock	38,204	37,400	37,163	237	.....	.....	.....	.....	402	402
N. Windowpane Flounder	86	63	.....	63	.....	.....	18	.....	2	3
S. Windowpane Flounder	457	53	.....	53	.....	.....	158	.....	28	218
Ocean Pout	120	94	.....	94	.....	.....	.....	.....	3	23
Atlantic Halibut	100	77	.....	77	.....	.....	.....	.....	21	2
Atlantic Wolffish	84	82	.....	82	.....	.....	.....	.....	1	1

TABLE 5—CATCH LIMITS FOR THE 2020 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod	2,182	1,954	1,918	36	.....	.....	.....	.....	23	206
GOM Cod	666	610	377	13	220	.....	.....	.....	47	9
GB Haddock	69,509	67,027	66,560	467	.....	1,020	.....	.....	731	731
GOM Haddock	9,626	9,384	6,705	74	2,605	95	.....	.....	74	74
GB Yellowtail Flounder	.....	.....	.....	.....	.....	.....	0.0	0.0	0.0	0.0
SNE/MA Yellowtail Flounder	66	31	25	6	.....	.....	16	.....	2	17
CC/GOM Yellowtail Flounder	490	398	381	18	.....	.....	.....	.....	51	41
American Plaice	1,420	1,361	1,335	25	.....	.....	.....	.....	30	30
Witch Flounder	948	849	830	19	.....	.....	.....	.....	40	60
GB Winter Flounder	787	731	725	6	.....	.....	.....	.....	0	57
GOM Winter Flounder	428	357	339	18	.....	.....	.....	.....	67	4

TABLE 5—CATCH LIMITS FOR THE 2020 FISHING YEAR—Continued

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
SNE/MA Winter Flounder	700	518	456	62	.....	.....	.....	.....	73	109
Redfish	11,357	11,118	11,057	61	.....	.....	.....	.....	119	119
White Hake	2,794	2,735	2,713	22	.....	.....	.....	.....	29	29
Pollock	38,204	37,400	37,163	237	.....	.....	.....	.....	402	402
N. Windowpane Flounder	86	63	.....	63	.....	.....	.....	.....	2	3
S. Windowpane Flounder	457	53	.....	53	.....	.....	158	.....	28	218
Ocean Pout	120	94	.....	94	.....	.....	.....	.....	3	23
Atlantic Halibut	100	77	.....	77	.....	.....	.....	.....	21	2
Atlantic Wolffish	84	82	.....	82	.....	.....	.....	.....	1	1

TABLE 6—FISHING YEARS 2018–2020 COMMON POOL TRIMESTER TACS

[Mt, live weight]

Stock	2018			2019			2020		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	6.1	7.4	8.3	10.1	12.3	13.7	10.1	12.3	13.7
GOM Cod	6.2	4.2	2.3	6.2	4.2	2.3	6.2	4.2	2.3
GB Haddock	84.0	102.6	124.4	84.0	102.6	124.4	126.1	154.1	186.7
GOM Haddock	25.6	24.7	44.6	24.4	23.5	42.4	19.9	19.1	34.6
GB Yellowtail Flounder	0.5	0.8	1.3	0.7	1.1	1.9	.....	.....	.....
SNE/MA Yellowtail Flounder	1.7	2.3	4.2	1.3	1.7	3.2	1.3	1.7	3.1
CC/GOM Yellowtail Flounder	10.0	4.6	3.0	10.0	4.6	3.0	10.0	4.6	3.0
American Plaice	21.8	2.4	5.3	20.3	2.2	4.9	18.8	2.0	4.6
Witch Flounder	10.4	3.8	4.7	10.4	3.8	4.7	10.4	3.8	4.7
GB Winter Flounder	0.5	1.4	4.1	0.5	1.4	4.1	0.5	1.4	4.1
GOM Winter Flounder	6.5	6.7	4.4	6.5	6.7	4.4	6.5	6.7	4.4
Redfish	14.8	18.4	26.1	15.1	18.7	26.6	15.3	19.0	27.0
White Hake	8.3	6.8	6.8	8.3	6.8	6.8	8.3	6.8	6.8
Pollock	66.4	83.0	87.7	66.4	83.0	87.7	66.4	83.0	87.7

Note. For tables 3–6, an empty cell indicates that no catch limit has been set yet for these stocks, or that stock is not allocated to a fishery. These catch limits will be set in a future management action.

TABLE 7—COMMON POOL INCIDENTAL CATCH TACS FOR THE 2018–2020 FISHING YEARS

[Mt, live weight]

Stock	Percentage of common pool sub-ACL	2018	2019	2020
GB Cod	2	0.50	0.72	0.72
GOM Cod	1	0.13	0.13	0.13
GB Yellowtail Flounder	2	0.05	0.07	0.00
CC/GOM Yellowtail Flounder	1	0.18	0.18	0.18
American Plaice	5	1.47	1.37	1.27
Witch Flounder	5	0.95	0.95	0.95
SNE/MA Winter Flounder	1	0.62	0.62	0.62

TABLE 8—PERCENTAGE OF INCIDENTAL CATCH TACS DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program	Closed Area I hook gear haddock SAP	Eastern US/CA haddock SAP
GB Cod	50	16	34
GOM Cod	100	.....	.....
GB Yellowtail Flounder	50	.....	50
CC/GOM Yellowtail Flounder	100	.....	.....
American Plaice	100	.....	.....
Witch Flounder	100	.....	.....
SNE/MA Winter Flounder	100	.....	.....
White Hake	100	.....	.....

Note. DAS = day-at-sea.

TABLE 9—FISHING YEARS 2018–2020 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM

[Mt, live weight]

Stock	Regular B DAS program			Closed Area I hook gear haddock SAP			Eastern U.S./Canada haddock SAP		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
GB Cod	0.25	0.36	0.36	0.08	0.12	0.12	0.17	0.25	0.25
GOM Cod	0.13	0.13	0.13	.....	.....	.....	.....	.....	.....
GB Yellowtail Flounder	0.03	0.04	0.00	.....	.....	.....	0.03	0.04	0.00
CC/GOM Yellowtail Flounder	0.18	0.18	0.18	.....	.....	.....	.....	.....	.....
American Plaice	1.47	1.37	1.27	.....	.....	.....	.....	.....	.....
Witch Flounder	0.95	0.95	0.95	.....	.....	.....	.....	.....	.....
SNE/MA Winter Flounder	0.62	0.62	0.62	.....	.....	.....	.....	.....	.....

4. Default Catch Limits for the 2021 Fishing Year

Framework 53 (80 FR 25110; May 1, 2015) established a mechanism for setting default catch limits in the event a future management action is delayed. Additional description of the default catch limit mechanism is provided in the preamble to the Framework 53 final rule. The default catch limits for 2021 are shown in Table 10. This final rule also corrects transcription errors in the 2021 default specifications published in the proposed rule. In the proposed rule, Table 10 was missing GB cod from the list of stocks and, as a result, the remaining stocks were listed next to the incorrect values.

The default limits would become effective May 1, 2021, until replaced by final specifications, although they will remain in effect only through July 31, 2021. The preliminary sector and common pool sub-ACLs in Table 10 are based on existing 2017 sector rosters and will be adjusted for new specifications beginning in fishing year 2021 based on rosters from the 2020 fishing year. In addition, prior to the start of the 2021 fishing year, we will evaluate whether any of the default catch limits announced in this rule exceed the Council's ABC recommendations for 2021. If necessary, we will announce adjustments prior to May 1, 2021.

TABLE 10—DEFAULT SPECIFICATIONS FOR THE 2021 FISHING YEAR

[Mt, live weight]

Stock	U.S. ABC	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Midwater trawl fishery
GB Cod	800	764	684	671	13	.....
GOM Cod	246	233	213	132	4	.....
GB Haddock	25,590	24,328	23,460	23,296	163	1,020
GOM Haddock	3,565	3,369	3,284	2,347	26	95
GB Yellowtail Flounder	0	0	0	0	0	.....
SNE/MA Yellowtail Flounder	24	23	11	9	2	.....
CC/GOM Yellowtail Flounder	179	172	139	133	6	.....
American Plaice	522	497	476	4679	9	.....
Witch Flounder	348	332	297	291	7	.....
GB Winter Flounder	284	276	256	254	2	.....
GOM Winter Flounder	156	150	125	119	6	.....
SNE/MA Winter Flounder	254	245	181	160	22	.....
Redfish	4,180	3,975	3,891	3,870	21	.....
White Hake	1,028	978	957	950	9	.....
Pollock	14,060	13,371	13,090	13,007	83	.....
N. Windowpane Flounder	32	30	22	0	22	.....
S. Windowpane Flounder	166	160	18	0	18	.....
Ocean Pout	44	42	33	0	33	.....
Atlantic Halibut	36	35	27	0	27	.....
Atlantic Wolffish	32	29	29	0	29	.....

5. Revisions to Common Pool Trimester Allocations

The common pool sub-ACL for each stock (except for SNE/MA winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is further divided into trimester TACs. The percentages of the common pool sub-ACL allocated to each trimester, as determined in Amendment 16 (75 FR 18262; April 9, 2010), are shown in Table 11. The Council developed this initial distribution based on recent fishing effort at the time after considering the influence of regulatory changes on recent landings patterns. Amendment 16 specified that the trimester TAC apportionment could be adjusted on a biennial basis with specifications based on the most recent 5-year period available. Framework 57 grants the Regional Administrator authority to modify the trimester TAC apportionments, for stocks that have experienced early closures in Trimester 1 or 2, on a biennial basis using the process specified in Amendment 16.

Framework 57 also revises the apportionment of the common pool sub-ACL among the trimesters, using the calculation method specified in Amendment 16, for stocks that have experienced early closure in Trimester 1 or 2 since the 2010 fishing year. The stocks that meet these criteria are: GB cod; GOM cod; SNE/MA yellowtail

flounder; Cape Cod/GOM yellowtail flounder; American plaice; and witch flounder. The Trimester 1 portion of the sub-ACL for each of these stocks is increased, with the exception of SNE/MA yellowtail, which remains unchanged. The trimester 2 portion of the sub-ACL for each of these stocks is reduced. The trimester 3 portion of the TAC is unchanged for GB cod; increased for SNE/MA yellowtail flounder; and decreased for GOM cod, Cape Cod/GOM yellowtail flounder, American plaice, and witch flounder. The new trimester TAC apportionments for these stocks are shown in Table 12 and were used in calculating the trimester TACs for 2018–2020 (see 3. Catch Limits for the 2018–2020 Fishing Years).

TABLE 11—TRIMESTER TAC APPORTIONMENTS SET IN AMENDMENT 16

Stock	Trimester 1 (%)	Trimester 2 (%)	Trimester 3 (%)
GB Cod	25	37	38
GOM Cod	27	36	37
GB Haddock	27	33	40
GOM Haddock	27	26	47
GB Yellowtail	19	30	52
SNE/MA Yellowtail	21	37	42
CC/GOM Yellowtail	35	35	30
American Plaice	24	36	40
Witch Flounder	27	31	42
GB Winter	8	24	69
GOM Winter	37	38	25
Redfish	25	31	44
White Hake	38	31	31
Pollock	28	35	37

TABLE 12—REVISIONS TO TRIMESTER TAC APPORTIONMENTS

Stock	Trimester 1 (%)	Trimester 2 (%)	Trimester 3 (%)
GB Cod	28	34	38
GOM Cod	49	33	18
SNE/MA Yellowtail	21	28	51
CC/GOM Yellowtail	57	26	17
American Plaice	74	8	18
Witch Flounder	55	20	25

6. Adjustments Due to Fishing Year 2016 Overages

If the overall ACL is exceeded due to catch from vessels fishing in state waters outside of the FMP or from vessels fishing in non-groundfish fisheries that do not receive an allocation, the overage is distributed to the components of the fishery with an allocation. If a fishery component's catch and its share of the ACL overage exceed the component's allocation, then the applicable AMs must be implemented. In the case of the commercial groundfish fishery, the AMs require a reduction of the sector or common pool sub-ACL following an overage.

In fishing year 2016, the overall ACL was exceeded for witch flounder, GB cod, and GOM cod (Table 13). The proposed rule included a description of fishing year 2016 catch overages and required adjustments to fishing year 2018 allocations, and is not repeated here. This final rule corrects transcription errors in the 2016 ABC and ACL for witch flounder published in the proposed rule. Table 13 includes the corrected values. Although the ABC and ACL values were listed incorrectly in the proposed rule, the catch, overage, and amount to be paid back were correct. The proposed revised 2018 allocations were correct. Therefore, this correction does not affect fishery operations. These adjustments to the 2018 allocations are not part of Framework 57. We are including them in conjunction with Framework 57 measures for expediency purposes, and because they relate to the catch limits included in Framework 57.

Each sub-component's payback amounts for these stocks is shown in Table 14. Revised 2018 allocations, incorporating these payback amounts, are shown in Table 15. These revised allocations were incorporated in the quotas set for 2018 (see 3. Catch Limits for the 2018–2020 Fishing Years).

TABLE 13—2016 ABCS, ACLS, CATCH, AND OVERAGES

[Mt, live weight]

Stock	U.S. ABC	Total ACL	Catch	Overage	Amount to be paid back
GB Cod	762	730	1,132.1	402.1	165.97
GOM Cod	500	473	633.7	160.7	37.66
Witch Flounder	460	441	460.3	19.3	19.20

TABLE 14—2016 PAYBACK AMOUNTS

[Mt, live weight]

Stock	Total	Sector	Common pool	Recreational
GB Cod	402.1	162.57	3.40	n/a
GOM Cod	160.7	21.05	0.00	16.61
Witch Flounder	19.3	19.15	0.05	n/a

Note: "n/a" indicates that the stock is not allocated to that sub-component of the fishery. A value of 0.00 indicates that no payback is required.

TABLE 15—REVISED 2018 ALLOCATIONS

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Initial preliminary sector sub-ACL	Revised preliminary sector sub-ACL	Initial preliminary common pool sub-ACL	Revised preliminary common pool sub-ACL
GB Cod	1,519	1,360	1,335.17	1,172.61	25.13	21.73.
GOM Cod	666	610	376.92	355.87	12.73	*unchanged.*
Witch Flounder	948	849	830.09	810.94	18.93	18.88.

7. Revisions to Atlantic Halibut Accountability Measures

As described in the proposed rule and Environmental Assessment, the FMP includes two reactive AMs for Atlantic halibut that affect the Federal commercial groundfish fishery. If the Atlantic halibut ACL is exceeded by an amount greater than the uncertainty buffer (*i.e.,* the ABC is exceeded), then commercial groundfish vessels are prohibited from retaining Atlantic halibut and are required to use selective gear in several areas (Figure 1). When the Atlantic halibut AM is triggered, trawl vessels fishing in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, a Ruhle trawl, a rope separator trawl, or other approved gear. When in effect, groundfish vessels with gillnet or longline gear may not fish or be in the Atlantic Halibut Fixed Gear AM Areas, unless transiting with gear stowed or using approved gear.

This action extends the zero-possession AM to all Federal permit holders (including federally permitted scallop, lobster, and highly migratory species general category vessels). Vessels issued only a charter/party permit for any species, an Atlantic highly migratory species angling permit, and/or an Atlantic highly migratory species charter/headboat permit are exempt from the zero-possession AM. For example, a vessel issued a Northeast multispecies charter/party permit and a bluefish charter/party permit would be exempt from the AM, but a vessels issued a Northeast multispecies charter/party permit and a commercial bluefish permit would not be exempt from the AM. The intent of expanding the AM is to facilitate enforcement of Federal fishery limits and reduce the catch of halibut by federally permitted vessels not currently subject to the AM. This measure is expected to increase the probability that catch will be below the ACL by reducing potentially illegal catch in Federal waters and legal directed fishing effort by federally permitted vessels.

Framework 57 also modifies the gear-restricted AM areas for Federal groundfish vessels based on the best available science. Based on an updated evaluation of Atlantic halibut encounter rates, the existing AM areas are changed to allow access to places and times where Atlantic halibut encounter rates are low while protecting areas and times where encounter rates are highest. This would allow groundfish trawl and fixed gear vessels additional flexibility while continuing to reduce catch of halibut when the AMs are triggered (Figure 2). This action eliminates the Fixed Gear AM Area 1 on Stellwagen Bank; exempts longline gear from Fixed Gear AM Area 2 on Platts Bank; allows gillnet gear in Fixed Gear AM Area 2 from November through February; and allows standard trawl gear in the Trawl Gear AM Area between 41 degrees 40 minutes N latitude and 42 degrees N latitude from April through July (see dashed line in Figure 2). These modifications are expected to continue to protect the Atlantic halibut stock due to the low encounter rates and low catch rates in the seasons and areas included, and will preserve fishing opportunities for vessels targeting other species.

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Figure 1. Map of Existing Atlantic Halibut AM Areas

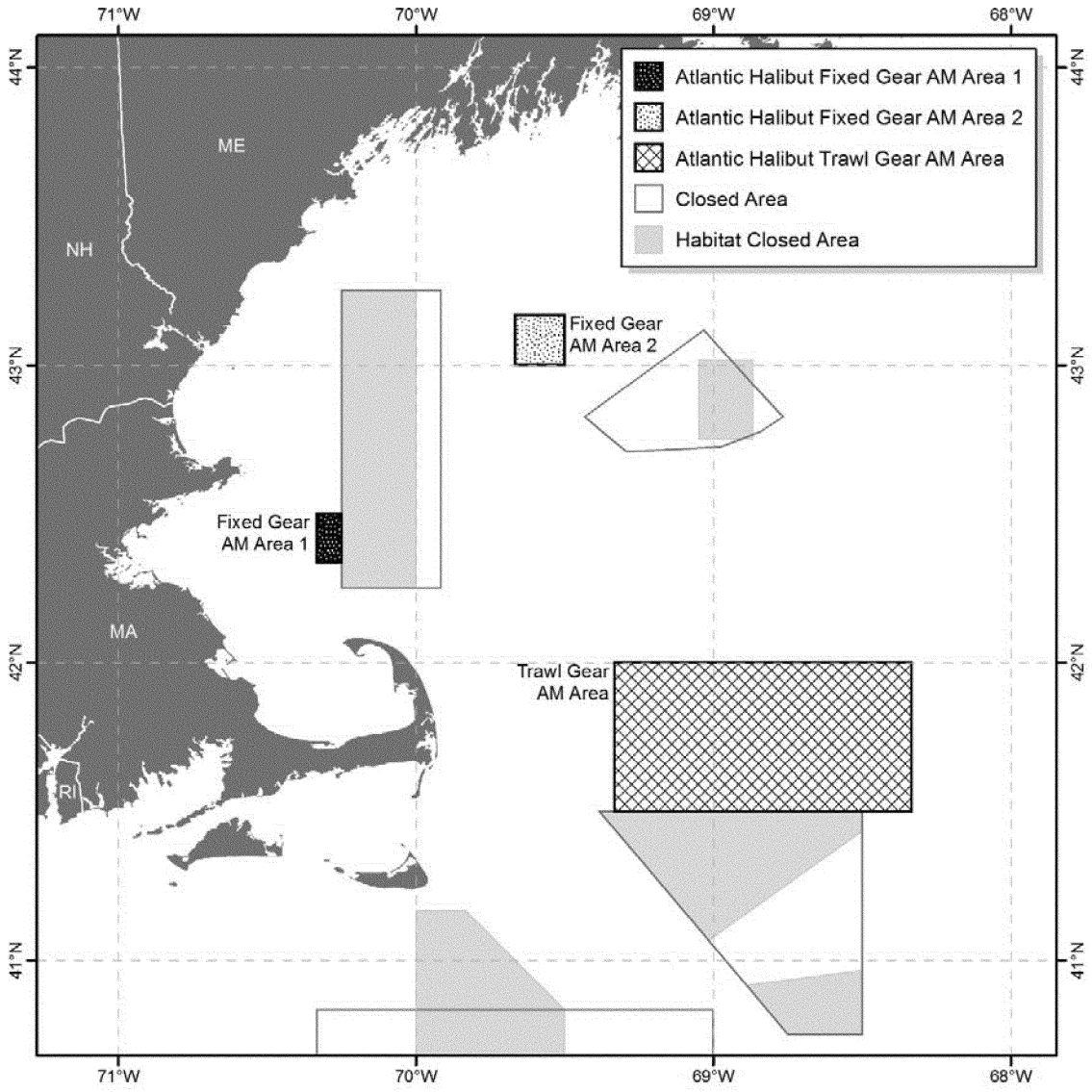
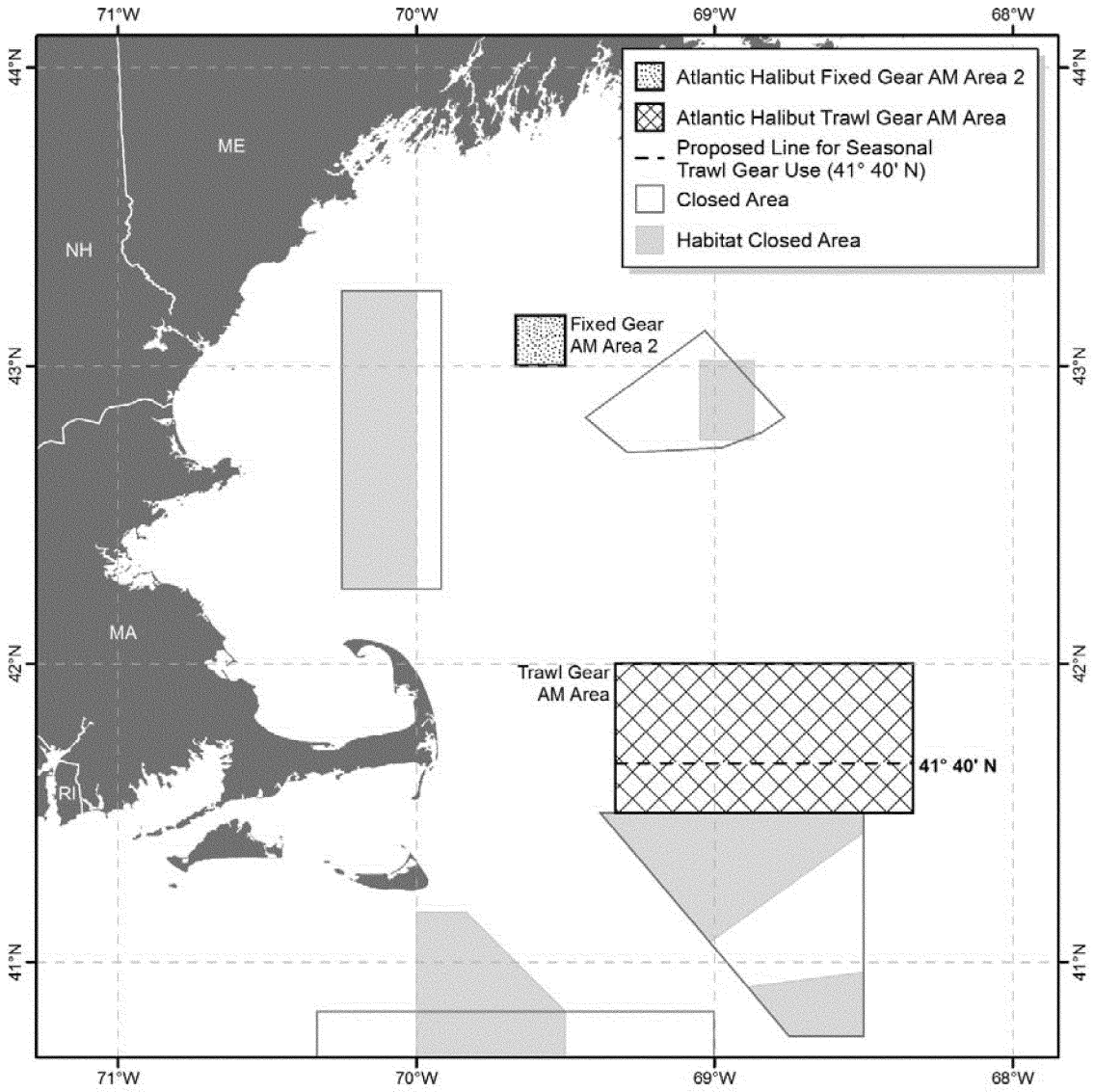


Figure 2. Changes to Atlantic Halibut AM Areas.



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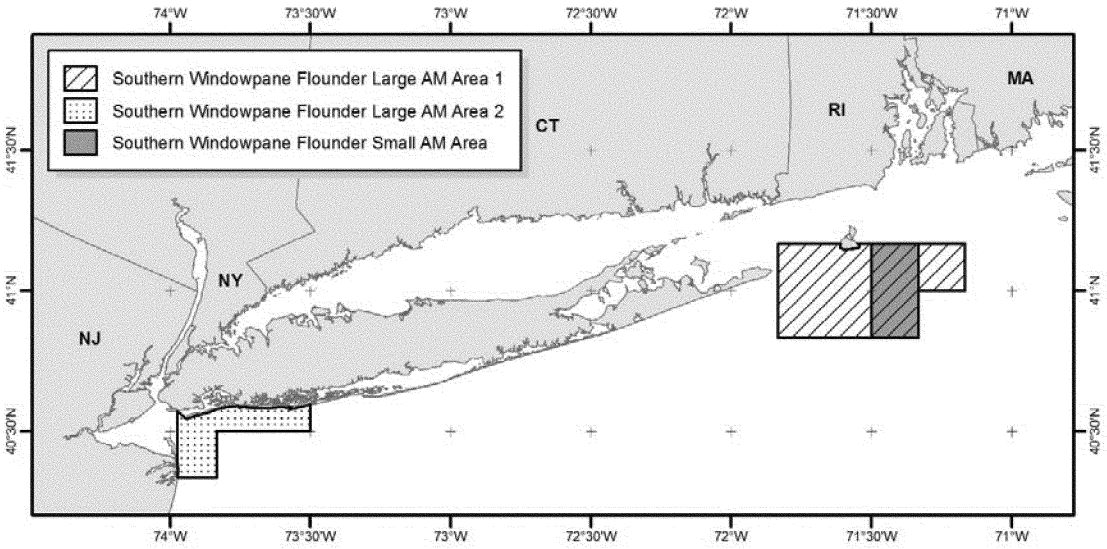
8. Revisions to Southern Windowpane Flounder AMs for Non-Groundfish Trawl Vessels

Based on an updated evaluation of the existing AM areas, the AM areas for non-groundfish vessels are revised to more closely tailor the areas to where southern windowpane are being encountered. Framework 57 also applies measures, similar to those used in the groundfish fishery, to scale the size of the AM area based on the condition of the stock and catch in the year after the overage, but does not alter the AM trigger. Additionally, Framework 57 allows for reducing the duration of an AM for non-groundfish vessels when merited by biological or operational conditions, similar to how the AMs are applied to groundfish vessels.

The southern windowpane flounder AMs are gear restricted areas that affect groundfish trawl vessels and non-groundfish trawl vessels using a codend mesh size of 5 inches (12.7 cm) or greater (see Figure 3). This includes vessels that target summer flounder, scup, and skates. The AM for large-mesh non-groundfish fisheries is implemented if the total ACL is exceeded by more than the management uncertainty buffer and catch by the other sub-component exceeds what was expected. When the AM is triggered, large-mesh non-groundfish vessels fishing with trawl gear with codend mesh size of 5 inches (12.7 cm) or greater are required to use selective trawl gear to minimize the catch of flatfish in the AM areas. Approved gears include the separator trawl, Ruhle trawl, mini-Ruhle trawl, and rope trawl, which are inefficient at catching the species targeted by the non-groundfish large-mesh trawl fleet. The FMP includes several provisions that allow a reduction in the size and duration of the AM for groundfish vessels if certain stock status criteria are met. This action implements similar areas and reduced duration provisions for the large mesh non-groundfish fleet and modifies the current gear restricted areas that would apply to the non-groundfish fleet when an AM is triggered.

Figure 3. Southern Windowpane AM Areas for Large Mesh Non-Groundfish Fisheries



Reducing the Size of the AM

Framework 57 will scale the size of the AM areas based on the condition of the stock and catch in the year after the overage. Similar to the AM for the groundfish fishery, when the stock is rebuilt and the biomass criterion (described in the proposed rule and Environmental Assessment) is greater than the fishing year catch, the small AM areas may be implemented in lieu of the large AM areas. These modifications allow additional flexibility for affected vessels while continuing to reduce impacts on the southern windowpane stock, similar to provisions already implemented for the groundfish fishery.

If we determine that the biological and catch criteria are met, the small AM area would be implemented rather than the large AM area. This AM trigger better accounts for the uncertainty associated with this index-based stock because it evaluates an overage in the context of the biomass and exploitation trends in the stock assessment. As explained in the Environmental Assessment, using survey information to determine the size of the AM is appropriate because windowpane flounder is assessed with an index-based method, possession is prohibited, and the ABCs and ACLs are not based on a projection that accounts for possible increases in biomass over time. This change is expected to minimize the economic impacts of the AM for a rebuilt stock, while still correcting for operational issues contributing to the overage and mitigating potential biological consequences.

Reducing the Duration of the AM

Framework 57 also grants the Regional Administrator authority to remove the southern windowpane flounder AM early for non-groundfish trawl vessels if operational criteria are met. If an overage in year 1 triggers the AM for year 3, and we determine that the applicable windowpane flounder ACL was not exceeded in year 2, then the Regional Administrator would be authorized to remove the AM on or after September 1 once year-end data for year 2 are complete. This reduced duration would not occur if we determine during year 3 that a year 3 overage of the southern windowpane flounder ACL has occurred. This provision was already implemented for the groundfish fishery.

Modification of the Gear-Restricted Areas

In addition to scaling the size of the AM area based on the condition of the stock and catch in the year after the overage, and allowing for reducing the duration of an AM for non-groundfish vessels when merited by current stock conditions and catch amounts, this action also revises the area and season of the AM areas for non-groundfish trawl vessels using a codend mesh size of 5 inches (12.7 cm) or greater based on an updated evaluation of the existing AM areas using recent data (see Figure 4). The geographic area of the small AM area remains unchanged, but the AM will be in effect from September through April, rather than the entire fishing year. The large AM area south of Long Island also remains unchanged, but the large AM area east of Long Island is reduced to a smaller geographic area made up of the small AM area and the eastern most 10-minute square of the current large AM area. Both large AM areas will be closed year-round when triggered. These changes do not affect the AM areas applicable to groundfish trawl vessels. Based on recent data, these modifications are likely to have minimal impacts on the southern windowpane flounder stock because of the low bycatch ratios documented in the areas that would no longer be closed. The revised areas are intended to provide additional opportunities for the non-groundfish fleet to pursue target stocks, while still maintaining the necessary conservation benefits of the AMs.

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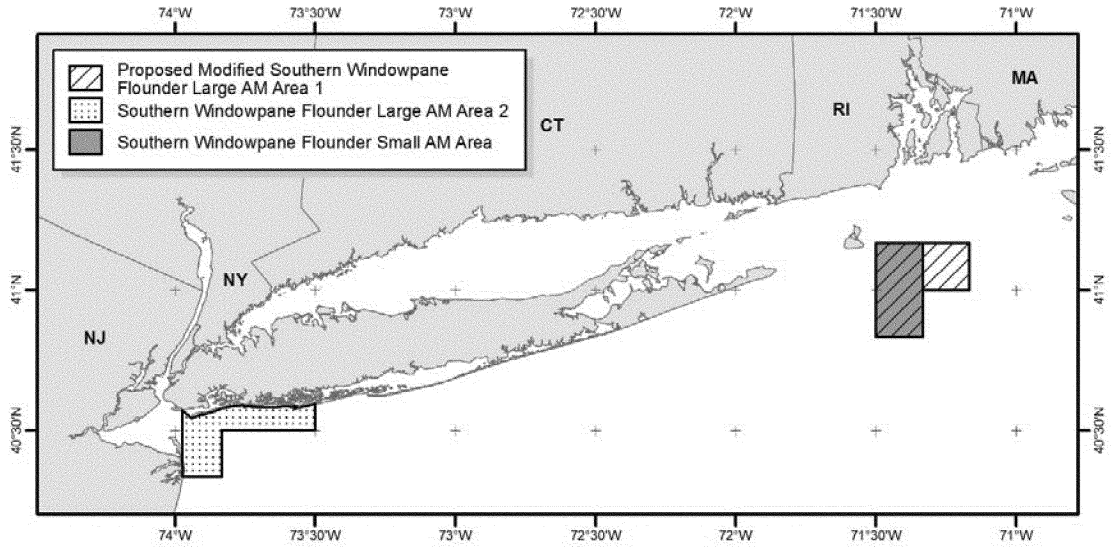
Figure 4. Changes to the Southern Windowpane AM Areas for Large Mesh Non-Groundfish Fisheries



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9. Revision to the SNE/MA Yellowtail Flounder AMs for Scallop Vessels

The scallop fishery is allocated sub-ACLs for four stocks: GB yellowtail flounder; SNE/MA yellowtail flounder; northern windowpane flounder; and southern windowpane flounder. If the scallop fishery exceeds its sub-ACL for these stocks, it is subject to AMs that, in general, restrict the scallop fishery in seasons and areas with high encounter rates for these stocks. Framework 47 (77 FR 26104; May 2, 2012) established a policy for triggering scallop fishery AMs. Framework 56 (82 FR 35660; August 1, 2017) made a change to this policy for GB yellowtail flounder and northern windowpane flounder for the 2017 and 2018 fishing years. This action expands that change to the SNE/MA yellowtail flounder stock for the 2018 fishing year.

For fishing year 2018, the AM for the scallop fishery's sub-ACL would be triggered only if the scallop fishery's sub-ACL and the overall ACL for the stock is exceeded. This change is intended to provide flexibility for the scallop fishery to better achieve optimal yield, despite a reduction in the ACL, while continuing to prevent overfishing. In recent years, a significant portion of the overall ACL has remained uncaught as groundfish vessels have reduced their catch. The likelihood of overfishing occurring significantly increases only if the total ACL is exceeded. Exceeding the total ACL would trigger the AM to prevent subsequent ACL overages and correct the cause of the overage. This measure provides the scallop fishery with flexibility to adjust to current catch conditions while still providing an incentive to avoid yellowtail flounder. To align with changes to the AM triggers for GB yellowtail flounder and northern windowpane flounder, and to reduce the potential risk for the groundfish fishery, this change would be effective for 1 year.

10. Recreational Fishery Measures

The recreational fishery does not have an allocation of GB cod, and as a result, no AMs apply to this fishery in the event of an ACL overage. Recreational fishery management measures were designed and put in place to control recreational catch in 2010 through Amendment 16. The current recreational minimum size for GB cod is 22 inches (55.9 cm), and private recreational vessels have a possession limit of 10 fish per person per day. There is no possession limit for charter or party vessels.

In response to increasing recreational catch in recent years and an unusually high recreational catch estimate in 2016 that contributed to an ACL overage, the Council calculated a recreational catch target for GB cod of 138 mt for 2018–2020. This catch target was calculated using the average catch (landings and discards) of the most recent 5 calendar years included in the GB cod stock assessment. This catch target was used in setting the values of the state and other sub-components (see Appendix II of the Environmental Assessment) and helps to gauge what measures may be necessary to limit catch to the target amount to avoid future overages. To facilitate preventing future overages of the GB cod ACL, Framework 57 gives the Regional Administrator authority to set recreational measures for fishing years 2018 and 2019 to prevent the recreational catch target from being exceeded. After consultation with the Council, any changes to recreational measures would be made consistent with the Administrative Procedure Act. However, no changes to recreational measures are included in this action. A separate rule published March 22, 2018, (83 FR 12551) proposed GOM cod and haddock and GB cod recreational management measures for the 2018 fishing year. Those measures will also be finalized in a separate rule.

11. Fishing Year 2018 Annual Measures Under Regional Administrator Regulatory Authority

The Northeast Multispecies FMP regulations give us authority to implement certain types of management measures for the common pool fishery, the U.S./Canada Management Area, and Special Management Programs on an annual basis, or as needed. This action implements a number of these management measures for the 2018 fishing year. These measures are not

part of Framework 57, and were not specifically proposed by the Council. We are implementing them in conjunction with Framework 57 measures in this action for expediency purposes, and because they relate to the catch limits in Framework 57.

Common Pool Trip Limits

Tables 16 and 17 provide a summary of the current common pool trip limits for fishing year 2017 and the initial trip limits implemented for fishing year 2018. The 2018 trip limits were developed after considering changes to the common pool sub-ACLs and potential sector enrollment, trimester TACs for 2018, catch rates of each stock during 2017, and other available information.

The default cod trip limit is 300 lb (136 kg) for Handgear A vessels and 75 lb (34 kg) for Handgear B vessels. If the GOM or GB cod landing limit for vessels fishing on a groundfish day-at-sea (DAS) drops below 300 lb (136 kg), then the respective Handgear A cod trip limit must be reduced to the same limit. Similarly, the Handgear B trip limit must be adjusted proportionally (rounded up to the nearest 25 lb (11 kg)) to the DAS limit. This action implements a GOM cod landing limit of 50 lb (23 kg) per DAS for vessels fishing on a groundfish DAS, which is 94 percent lower than the default limit specified in the regulations for these vessels (800 lb (363 kg) per DAS). As a result, the Handgear A trip limit for GOM cod is reduced to 50 lb (23 kg) per trip, and the Handgear B trip limit for GOM cod is maintained at 25 lb (11 kg) per trip. This action implements a GB cod landing limit of 100 lb (45 kg) per DAS for vessels fishing on a groundfish DAS, which is 95 percent lower than the 2,000-lb (907-kg) per DAS default limit specified in the regulations for these vessels. As a result, the Handgear A trip limit for GB cod is 100 lb (45 kg) per trip, and the Handgear B trip limit for GB cod is 25 lb (11 kg) per trip.

Vessels with a Small Vessel category permit may possess up to 300 lb (136 kg) of cod, haddock, and yellowtail, combined, per trip. For the 2018 fishing year, we are setting the maximum amount of GOM cod and haddock (within the 300-lb (136-kg) trip limit) equal to the possession limits applicable to multispecies DAS vessels (see Table 16). This adjustment is necessary to ensure that the trip limit applicable to the Small Vessel category permit is consistent with reductions to the trip limits for other common pool vessels, as described above.

TABLE 16—COMMON POOL TRIP LIMITS FOR THE 2018 FISHING YEAR

Stock	Current 2017 trip limit	2018 Trip limit
GB Cod (outside Eastern U.S./Canada Area)	Possession Prohibited	100 lb (45 kg) per DAS, up to 200 lb (91 kg) per trip.
GB Cod (inside Eastern U.S./Canada Area)		100 lb (45 kg) per DAS, up to 500 (227 kg) lb per trip.
GOM Cod	25 lb (11 kg) per DAS, up to 100 lb (45 kg) per trip.	50 lb (23 kg) per DAS, up to 100 lb (45 kg) per trip.
GB Haddock	100,000 lb (45,359 kg) per trip.	
GOM Haddock	500 lb (227 kg) per DAS, up to 1,000 lb (454 kg) per trip.	1,000 lb (454 kg) per DAS, up to 2,000 lb (907 kg) per trip.
GB Yellowtail Flounder	100 lb (45 kg) per trip.	
SNE/MA Yellowtail Flounder	500 lb (227 kg) per DAS, up to 1,000 lb per trip.	100 lb (45 kg) per DAS, up to 200 lb (91 kg) per trip.
Cape Cod (CC)/GOM Yellowtail Flounder	750 lb (340 kg) per DAS, up to 1,500 lb (680 kg) per trip.	
American plaice	500 lb (227 kg) per trip	750 lb (340 kg) per DAS, up to 1,500 lb (680 kg) per trip.
Witch Flounder	400 lb (181 kg) per trip.	
GB Winter Flounder	250 lb (113 kg) per trip.	
GOM Winter Flounder	2,000 lb (907 kg) per trip	1,000 lb (454 kg) per trip.
SNE/MA Winter Flounder	2,000 lb (907 kg) per DAS, up to 4,000 lb (1,814 kg) per trip.	
Redfish	Unlimited.	
White hake	1,500 lb (680 kg) per trip.	
Pollock	Unlimited.	
Atlantic Halibut	1 fish per trip.	
Windowpane Flounder	Possession Prohibited.	
Ocean Pout.		
Atlantic Wolffish.		

TABLE 17—COD TRIP LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS FOR THE 2018 FISHING YEAR

Permit	Current 2017 trip limit	2018 Trip limit
Handgear A GOM Cod	25 lb (11 kg) per trip	50 lb (23 kg) per trip.
Handgear A GB Cod	Possession Prohibited	100 lb (45 kg) per trip.
Handgear B GOM Cod	25 lb (11 kg) per trip.	
Handgear B GB Cod	Possession Prohibited	25 lb (11 kg) per trip.
Small Vessel Category	300 lb (136 kg) of cod, haddock, and yellowtail flounder combined; additionally, vessels are limited to the common pool DAS limit for all stocks.	

Closed Area II Yellowtail Flounder/Haddock SAP

This action allocates zero trips for common pool vessels to target yellowtail flounder within the Closed Area II Yellowtail Flounder/Haddock SAP for fishing year 2018. Vessels may still fish in this SAP in 2018 to target haddock, but must fish with a haddock separator trawl, a Ruhle trawl, or hook gear. Vessels may not fish in this SAP using flounder trawl nets. This SAP is open from August 1, 2018, through January 31, 2019.

We have the authority under the FMP's regulations to determine the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on several criteria, including the GB yellowtail flounder catch limit and the amount of GB yellowtail flounder caught outside of the SAP. The FMP specifies that no trips should be allocated to the Closed Area II Yellowtail Flounder/Haddock SAP if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit (or 2,250,000 lb (1,020,600 kg)). This calculation accounts for the projected catch from the area outside the SAP. Based on the fishing year 2018 GB yellowtail flounder groundfish sub-ACL of 372,581 lb (169,000 kg), there is insufficient GB yellowtail flounder to allocate any trips to the SAP, even if the projected catch from outside the SAP area is zero. Further, given the low GB yellowtail flounder catch limit, catch rates outside of this SAP are more than adequate to fully harvest the 2018 GB yellowtail flounder allocation.

12. Administrative Regulatory Corrections Under Secretarial Authority

The following change is being made using Magnuson-Stevens Fishery Conservation and Management Act section 305(d) authority to ensure that FMPs or amendments are implemented in accordance with the Magnuson-Stevens Act. This rule corrects a minor error in the regulations that specify the apportionment of the common pool sub-ACLs among the trimesters. This change to the regulations is necessary to correct a rounding error and ensure that not more than 100 percent of the common pool sub-ACL is allocated among the trimesters. In § 648.82(n), the proportions of the common pool sub-ACLs allocated to each trimester for GB yellowtail flounder and GB winter flounder are corrected to sum to 100 percent to address a previous rounding error.

13. Comments and Responses on Measures Proposed in the Framework 57 Proposed Rule

We received 15 comments on the Framework 57 proposed rule. Public comments were submitted by the Conservation Law Foundation, the National Party Boat Owners Alliance, the New England Fishery Management Council, the Northeast Hook Fisherman's Association, the Northeast Seafood Coalition, and ten individuals. Only comments that were applicable to the proposed measures are addressed below. Comments received on the proposed recreational measures for fishing year 2018 (83 FR 12551; March 22, 2018) that related to measures in Framework 57 are included in the comments and responses below. Consolidated responses are provided to similar comments on the proposed measures.

Catch Limits for Fishing Years 2018–2020

Comment 1: Two individuals generally opposed increasing any stock's ABC. The Conservation Law Foundation opposed the ABC increases for GB cod and GOM cod; and stated the increases were inconsistent with National Standards 1 and 2, and that a precautionary approach was necessary due to warming in the Gulf of Maine and illegal discarding. The Northeast Seafood Coalition commented in support of the catch limits included in Framework 57, but also raised concerns about using 3-year constant ABCs as a replacement for ABC projections. Further, it stated that, in the future, the constant catch approach should be reevaluated in the context of the cost of forfeited yields measured against realized and quantifiable biomass responses.

Response 1: We disagree that the ABCs in this action are not consistent with National Standards 1 and 2. The approved 2018–2020 ABCs and ACLs are based on peer-reviewed 2017 stock assessments and the recommendations of the Council's Scientific and Statistical Committee (SSC), consistent with the National Standard 2 requirement to use the best scientific information available. Further, the ABCs and ACLs were calculated to prevent overfishing while achieving optimum yield, as required by National Standard 1, and they are consistent with current rebuilding programs.

The 2017 assessments for GB cod and GOM cod cite accuracy and completeness of catch (including discards) along with the estimate of natural mortality (which could include effects from warming in the Gulf of Maine) as important sources of uncertainty. The SSC considered scientific uncertainty, including accuracy of catch and natural mortality estimates, in setting catch advice for both cod stocks and used the Council's ABC control rule in the absence of better information that would allow a more explicit determination of scientific uncertainty. In both cases, the SSC recommended a 3-year constant catch to help account for uncertainty in the catch projections that are often overly optimistic in the out years. Future stock growth is often projected to be higher than what is realized. As a result, the SSC's ABC recommendations in many cases are lower than the projected output. Future benchmark assessments would be expected to consider any additional information on catch

estimate accuracy and estimates of natural mortality that are not included in operational assessment updates.

As explained in Appendix I to the Environmental Assessment, in recent years, the SSC has either used the default control rule for a groundfish stock or applied other approaches tailored to address particular elements of scientific uncertainty. One example of a tailored approach is the use of constant catch levels. The Council's Groundfish Plan Development Team (PDT) used the outcomes of operational assessments to develop OFL and ABC alternatives for the SSC to consider using either the defined ABC control rule, approaches tailored for particular stocks in recent specification setting, or recommendations from the peer review panel. The SSC also developed new approaches for some stocks based on its evaluation of uncertainty and attributes of the available science. The SSC routinely uses a constant catch approach and has recommended formally adopting this approach as part of the SSC's control rules.

The catch limits implemented in this rule, based on the SSC's recommendation, practicably mitigate economic impacts consistent with Magnuson-Stevens Act requirements. Ignoring an alternative that meets conservation objectives of the Magnuson-Stevens Act that could help mitigate some of the substantial economic impacts of recent groundfish management actions would not be consistent with National Standard 8. Groundfish vessels catch cod along with other stocks in this multispecies fishery. As a result, a lower ABC could also jeopardize achieving optimum yield for the groundfish fishery compared to the ABCs approved in this final rule.

Comment 2: Two individuals commented that the GOM cod quota for 2018–2020 is too low, with one individual stating that the rapid quota decreases and increases cannot reflect real circumstances, and that it is hard to avoid cod while fishing for haddock, pollock, and flounders. The Northeast Seafood Coalition also stated that the 2017 stock assessments do not explain why fishermen see different fish populations than the assessments.

Response 2: We disagree. Information from multiple fishery-independent surveys conducted by independent groups show similar trends in the GOM cod stock. According to the 2017 assessment, the GOM cod stock shows a truncated size and age structure, consistent with a population experiencing high mortality. Additionally, there are no positive signs of incoming recruitment, continued low survey indices, and the current spatial distribution of the stock is considerably less than its historical range within the Gulf of Maine. Because the GOM cod population has contracted to concentrated areas near the coast, fishermen encounter these fish in what may be higher numbers than they have recently experienced. However, that does not accurately represent the overall population because cod are absent from large areas of their historic range. As explained in the Environmental Assessment (see **ADDRESSES**), projections show an increase in spawning stock biomass after fishing year 2018 if the approved ABC is caught.

Revisions to Common Pool Trimester Allocations

Comment 3: The Northeast Hook Fisherman's Association supported the revised trimester allocations based on recent data to address closures in Trimesters 1 and 2.

Response 3: We agree. For the reasons discussed in the preamble, we have approved the changes to the trimester allocations. These changes are intended to ensure the trimester allocations reflect recent fishing effort and help avoid inseason fishery closures. As a result, this improvement to common pool management measures will likely provide additional fishing opportunities for common pool vessels compared to the current trimester allocation.

Adjustments Due to Fishing Year 2016 Overages

Comment 4: Two individuals commented that the commercial sub-ACL for GB cod is being reduced for an overage that might not have happened because of errors in the recreational catch data from the Marine Recreational Information Program (MRIP).

Response 4: Based on the final report for the 2016 fishing year, catch of GB cod exceeded the ACL by 54 percent (396 mt) and the ABC by 48 percent (364 mt). A minimal overage of the common pool sub-ACL and higher than expected catches by the state and other subcomponents also contributed to the GB cod overage. The majority of state waters catch and the other sub-component catch is from the recreational fishery. As described in our March 20, 2018, letter to the Council, we revised the method for calculating the recreational GB cod catch that we consider when determining if an overage has occurred. The 3-year average was used to estimate recreational GB cod catch in the state and other sub-components to better account for the variability and uncertainty associated with the MRIP recreational catch estimates. This method is consistent with how we evaluate catch from other recreational fisheries that do not have a sub-ACL.

Revisions to Atlantic Halibut Accountability Measures

Comment 5: The Northeast Seafood Coalition supported all of the changes to the Atlantic halibut AMs.

Response 5: We agree. For the reasons discussed in the preamble, we have approved the changes to the Atlantic halibut AMs. Extending the zero-possession halibut AM to all Federal permit holders will reduce the catch of halibut by federally-permitted vessels not currently subject to the AM and facilitate enforcement of Federal fishery limits to increase the probability that catch will be below the ACL. Modifying the gear-restricted halibut AM areas for Federal groundfish vessels will provide groundfish vessels additional flexibility while continuing to reduce catch of halibut when the AMs are triggered.

Comment 6: The Northeast Seafood Coalition commented that many fishermen affected by the changes to the Atlantic halibut AMs were not aware of the potential changes until late in the development of Framework 57 because updated data was provided late in the development of the framework. The Northeast Seafood Coalition recommended addressing this by considering further modifications in the future.

Response 6: We agree that the Council may consider further modifications in the future if it chooses to do so. We encourage individuals to raise these concerns to the Council. For Framework 57, there was ample opportunity for public participation and comment on these matters. Potentially applying halibut AMs to all Federal permit holders was discussed in at least five public meetings and available for public participation over the entire 5½-month period of the Framework beginning in June 2017, and culminating in the Council's final vote to submit Framework 57 on December 5, 2017. During that time, these matters were first discussed at the June 20, 2017, Council meeting that initiated Framework 57, then developed and discussed by the PDT and the Groundfish Oversight Committee. The PDT provided the Committee with written information about expanding the zero-possession AM to other Federal permit holders in a September 20, 2017, memorandum. The Council voted on September 27, 2017, to include these measures in Framework 57, but did not take a final vote to submit Framework

57 to NMFS until December 5, 2017. Each of these meetings provided opportunity for public comment on the proposed changes to the halibut AMs, in addition to the comment period provided by this rulemaking.

Comment 7: One individual commented that exclusion from the zero-possession AM should apply to all recreational groundfish trips, including charter or party trips by vessels issued a limited access Northeast multispecies permit, and suggested that had been the Council's intent.

Response 7: We disagree. On Tuesday December 5, 2017, the Council discussed revising the Atlantic halibut AMs to apply to all vessels issued a Federal permit. The Council specifically considered the impact of this issue on commercial Federal groundfish vessels operating as for-hire vessels during development of the rule and approved the AM, as written in the proposed rule and approved in this final rule, as necessary to implement Framework 57. The application of the zero-possession halibut AM is reasonably calibrated to facilitate enforcement and limit Federal catch to the stock's ACL. The Council's deliberations involved a careful consideration of the measure's effectiveness in achieving its goals, the measure's impacts compared to reasonable alternatives, and supports their decision.

Revisions to Southern Windowpane Flounder Accountability Measures

Comment 8: One individual opposed the changes to the southern windowpane flounder AMs. The commenter stated that to prevent overfishing, the size of the AM area that is implemented should be based on the stock conditions during the overage, rather than at the time the AMs are implemented.

Response 8: We disagree. Accountability measures are management controls to prevent ACLs from being exceeded and correct or mitigate overages if they occur. When an ACL is exceeded, the AM must be implemented as soon as possible to correct the operational issue that caused the overage as well as any known biological consequences from the overage. As explained in the Environmental Assessment, using survey information to determine the size of the AM is appropriate because windowpane flounder is assessed with an index-based method, possession is prohibited, and the ABCs and ACLs are not based on a projection that accounts for possible increases in biomass over time. Using the most up to date information for the revised AM better accounts for potential biological consequences of the overage. It evaluates an overage in the context of the biomass and exploitation trends in the most recent stock assessment and is consistent with using the best available science. As a result, the AM mitigation is more closely tailored to the biological effect from the overage.

Comment 9: The Northeast Seafood Coalition supported the revisions to the southern windowpane flounder AMs.

Response 9: We agree. For the reasons discussed in the preamble, we have approved the changes to the southern windowpane flounder AMs. These changes are expected to minimize the economic impacts of the AM for a rebuilt stock, consistent with National Standards, while still correcting for any overage and mitigating potential biological consequences. The additional flexibility this provides to non-groundfish vessels, including vessels that target summer flounder, scup, and skates, will provide additional opportunities to achieve optimal yield in those fisheries while preventing overfishing.

Revision to the Southern New England/Mid-Atlantic Yellowtail Flounder Accountability Measures

Comment 10: The Northeast Seafood Coalition supported the revisions to the SNE/MA yellowtail flounder AMs.

Response 10: We agree. For the reasons discussed in the preamble, we have approved the changes to the SNE/MA yellowtail flounder AMs. This change provides flexibility for the scallop fishery to better achieve optimal yield, despite a reduction in the SNE/MA yellowtail flounder ACL, while continuing to prevent overfishing. This measure provides the scallop fishery with flexibility to adjust to current catch conditions while still providing an incentive to avoid yellowtail flounder.

Recreational Fishery Measures

Comment 11: The Northeast Seafood Coalition supported setting a recreational catch target for GB cod, using the average of the most recent five calendar years of catch to set the target, and granting the Regional Administrator authority to set recreational measures for GB cod for fishing years 2018 and 2019 to prevent the target from being exceeded. One individual supported reducing recreational fishing when there are sudden spikes in catch, but only if failing to constrain the recreational catch would cause significant economic or environmental harm. Two individuals commented that no action is needed on recreational measures for GB cod because the fishing year 2017 data shows that catch is down significantly from 2016.

Response 11: For the reasons explained in the preamble, we have approved the 138-mt recreational catch target, and granting the Regional Administrator authority to set recreational measures for GB cod for fishing years 2018 and 2019 to prevent the target from being exceeded. Preliminary recreational catch data from 2017 does show a reduction in catch from 2016, but the Council chose to set a recreational catch target to limit recreational catch to recent levels based on the trend of increasing recreational catch and the impact that increased catch has had on the commercial fishery. This action alone does not constrain recreational fishing. Instead, it provides authority to the Regional Administrator to constrain catch when necessary to prevent ACLs from being exceeded and to prevent overfishing. The Regional Administrator will be able to carefully consider the degree to which recreational fishing may need to be constrained using the most up to date information. This will provide an opportunity to use measures that are well designed to address the nature and extent of the recreational fishery's contribution to any potential overage.

Comment 12: One individual commented that the Council should have used the most recent five fishing years, rather than calendar years, to set the GB cod catch target for 2018–2020. Two individuals commented in opposition to setting a constant GB cod recreational catch target for three years and commented that the target should increase annually along with sub-ACLs and sub-components. Two individuals commented that the GB cod recreational catch target should not be based on the recreational catch data from MRIP because the data is flawed and variable.

Response 12: We disagree. The Council specifically chose to use the most recent five calendar years of recreational catch used in the 2017 stock assessment to be consistent with the MRIP source of data for setting sub-ACLs and sub-components. As explained in the Environmental Assessment and the preamble, the Council used a 5-year average to reflect the recent character of the fishery, and to account for the variability of catch and uncertainty of catch data. The Council's decision to set a catch target provides an objective metric that facilitates the Regional Administrator determining whether to use the authority granted to liberalize or constrain the recreational fishery to achieve, but not exceed, the catch target

based on the most up to date information.

Changes From the Proposed Rule

This final rule contains a number of minor corrections from the proposed rule. In section 4 Default Catch Limits for the 2021 Fishing Year, Table 10 of this final rule corrects transcription errors in the 2021 default specifications published in the proposed rule. Table 10 in the proposed rule was missing GB cod from the list of stocks and, as a result, the default specifications for the remaining stocks were listed next to the incorrect values.

In section 6, Adjustments Due to Fishing Year 2016 Overages, Table 13 of this final rule corrects transcription errors in the 2016 ABC and ACL for witch flounder that were published in the proposed rule. Although the 2016 ABC and ACL values were listed incorrectly in Table 13 in the proposed rule, the 2016 catch and overage, the amount to be paid back in 2018 (Table 14), and the revised 2018 allocations (Table 15) were correct.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are necessary for the conservation and management of the Northeast multispecies fishery and consistent with the Magnuson-Stevens Act, and other applicable law.

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

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

This final rule does not contain policies with Federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Assistant Administrator for Fisheries finds that there is good cause, under 5 U.S.C. 553(d)(3), to waive the 30-day delayed effectiveness of this action. This action relies on the best available science to set 2018 catch limits for 20 groundfish stocks and adopts several other measures to improve the management of the groundfish fishery. If the final rule is not effective on May 1, 2018, the Eastern U.S./Canada Area would be closed, until this rule is effective, because there are no default quotas specified for eastern GB Cod or eastern GB haddock. Groundfish vessels would also be unable to benefit from the increased quotas (particularly GOM cod, GOM haddock, Cape Cod/GOM yellowtail flounder, and American plaice) for the first portion of the fishing year, which occurs during the important summer fishing season. To fully capture the conservation and economic benefits of Framework 57 and prevent the negative economic impacts that would result from the closure of the Eastern U.S./Canada Area, it is necessary to waive the 30-day delayed effectiveness of this rule. In addition to potentially preventing the fishery from fully benefitting from catch limit increases, a delay could substantially disrupt business planning and fishing practices that would also result in direct economic loss for the groundfish fleet because of disruption to the fishery. Delaying effectiveness this rule would undermine the intent of the rule to set 2018 catch limits using the best available science.

This rulemaking incorporates information from updated stock assessments for the 20 groundfish stocks. The development of Framework 57 was timed to rely on the best available science by incorporating the results of these assessments, the last of which was finalized in December 2017. This required Council action and analysis that could not be completed until January 2018, and an opportunity for public comment on the proposed rule that did not close until April 6, 2018. The regulatory changes resulting from this best available information are regularly made in, and anticipated by, the fishery. Quotas for 11 stocks will increase with the implementation of this rule, which notably includes a 41-percent increase for GOM cod and a 139-percent increase for GB cod. In recent years, low quotas for these two key groundfish stocks have constrained catch of other stocks because cod is caught along with other stocks in this mixed fishery and fishing must stop in an area when catch of any one stock reaches its quota. Delaying the increases in the quotas would result in lost fishing opportunities and constrain catch of all other stocks.

Failure to waive the 30-day delayed effectiveness would result in no catch limits being specified for eastern GB cod and haddock, which are jointly managed with Canada. Without an allocation for these groundfish stocks, groundfish vessels would be unable to fish in the Eastern U.S./Canada Management Area until this rule is effective. This would result in direct economic losses for the groundfish fleet. Delaying implementation of this rule would not only limit the benefits of an increased quota in 2018, but cause vessels to miss part of the summer season. The milder weather associated with the summer season is important for offshore fishing trips to the Eastern U.S./Canada Area, which extends out to 200 miles from shore. When the opening of the Eastern Area was delayed until August during the 2017 fishing year, vessels that normally fish in that area reported revenue losses of 50 percent. While the summer season is important to all vessels, it is particularly important to the small groundfish vessels with the most limited range and least sea-keeping ability because it is the season when many stocks are available nearest to shore. For smaller vessels, missing a month of the summer season could effectively curtail the entirety of their groundfish season.

In addition to the catch limit increases, quotas for nine stocks will decrease with implementation of this rule. These decreases range from 7 percent to 75 percent. Delaying these reductions could lead to catch at a rate that would result in an early closure, or quota overages, once the reduced quotas are implemented. This would have future negative economic impacts on the fishery. Further, delaying required reductions in ACLs increases the likelihood of overages and negative biological impacts to groundfish stocks, including many which are overfished and subject to a rebuilding plan.

For the reasons laid out above, delaying the effectiveness past the beginning of the fishing season on May 1, 2018, will result in a direct economic loss for the groundfish fleet. The groundfish fishery already faced substantial catch limit reductions for many key groundfish stocks over the past 7 years. Any further disruption to the fishery would diminish the benefits of these specifications and other approved measures and create additional and unnecessary economic impacts and confusion to the groundfish fishery. Delaying effectiveness may result in the fishery not fully benefitting from the quota increases in this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration, during the proposed rule stage, that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 26, 2018.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, revise paragraphs (k)(18) and (20) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(18) *Trimester TAC AM.* It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fish for, harvest, possess, or land regulated species or ocean pout in or from the closed areas specified in § 648.82(n)(2)(ii) once such areas are closed pursuant to § 648.82(n)(2)(i).

* * * * *

(20) *AMs for both stocks of windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish.* It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fail to comply with the restrictions on fishing and gear specified in § 648.90(a)(5)(i)(D) through (H).

* * * * *

■ 3. In § 648.82, revise paragraph (n)(2)(i) to read as follows:

§ 648.82 Effort-control program for NE multispecies limited access vessels.

* * * * *

(n) * * *

(2) * * *

(i) *Trimester TACs*—(A) *Trimester TAC distribution.* With the exception of SNE/MA winter flounder, any sub-ACLs specified for common pool vessels pursuant to § 648.90(a)(4) shall be apportioned into 4-month trimesters, beginning at the start of the fishing year (*i.e.,* Trimester 1: May 1–August 31; Trimester 2: September 1–December 31; Trimester 3: January 1–April 30), as follows:

PORTION OF COMMON POOL SUB-ACLS APPORTIONED TO EACH STOCK FOR EACH TRIMESTER

Stock	Trimester 1 (percent)	Trimester 2 (percent)	Trimester 3 (percent)
GB cod	28	34	38
GOM cod	49	33	18
GB haddock	27	33	40
GOM haddock	27	26	47
GB yellowtail flounder	19	30	51
SNE/MA yellowtail flounder	21	28	51
CC/GOM yellowtail flounder	57	26	17
American plaice	74	8	18
Witch flounder	55	20	25
GB winter flounder	8	24	68
GOM winter flounder	37	38	25
Redfish	25	31	44
White hake	38	31	31
Pollock	28	35	37

(B) *Trimester TAC adjustment.* For stocks that have experienced early closures (*e.g.,* Trimester 1 or Trimester 2 closures), the Regional Administrator may use the biennial adjustment process specified in § 648.90 to revise the distribution of trimester TACs specified in paragraph (n)(2)(i)(A) of this section. Future adjustments to the distribution of trimester TACs shall use catch data for the most recent 5-year period prior to the reevaluation of trimester TACs.

* * * * *

■ 4. In § 648.89, add paragraph (g) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(g) *Regional Administrator authority for 2018 and 2019 Georges Bank cod recreational measures.* For the 2018 or 2019 fishing years, the Regional Administrator, after consultation with the NEFMC, may adjust recreational measures for Georges Bank cod to prevent the recreational fishery from exceeding the annual catch target of 138 mt. Appropriate measures, including adjustments to fishing seasons, minimum fish sizes, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with the final measures published in the **Federal Register** prior to the start of the fishing year when possible. Separate measures may be implemented for the private and charter/party components of the recreational fishery. Measures in place in fishing year 2019 will be in effect beginning in fishing year 2020, and will remain in effect until they are changed by a Framework Adjustment or Amendment to the FMP, or through an emergency action.

■ 5. Section 648.90 is amended by:

■ a. Removing reserved paragraph (a)(5)(i)(E);

■ b. Redesignating paragraph (a)(5)(i)(D)(*1*) through (*4*) as paragraphs (a)(5)(i)(E) through (H);

■ c. Revising newly redesignated paragraphs (a)(5)(i)(E) through (H); and

■ d. Adding paragraph (a)(5)(iv)(C).

The revisions and addition read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(E) *Windowpane flounder.* Unless otherwise specified in paragraphs (a)(5)(i)(E)(*5*) and (*6*) of this section, if NMFS determines the total catch exceeds the overall ACL for either stock of windowpane flounder, as described in this paragraph (a)(5)(i)(E), by any amount greater than the management uncertainty buffer, up to 20 percent

greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, the applicable large AM area(s) for the stock shall be implemented, as specified in this paragraph (a)(5)(i)(E), consistent with the Administrative Procedure Act. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6).

(*1*) *Multispecies Fishery.* If an overage of the overall ACL for southern windowpane flounder is a result of an overage of the sub-ACL allocated to the multispecies fishery pursuant to paragraph (a)(4)(iii)(H)(*2*) of this section, the applicable AM area(s) shall be in effect year-round for any limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip.

(*2*) *Exempted Fisheries.* If an overage of the overall ACL for southern windowpane flounder is a result of an overage of the sub-ACL allocated to exempted fisheries pursuant to paragraph (a)(4)(iii)(F) of this section, the applicable AM area(s) shall be in effect for any trawl vessel fishing with a codend mesh size of greater than or equal to 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3). If triggered, the Southern Windowpane Flounder Small AM Area will be implemented from September 1 through April 30; the Southern Windowpane Flounder Large AM Areas 2 and 3 will be implemented year-round.

(*3*) *Combined Overage.* If an overage of the overall ACL for southern windowpane flounder is a result of overages of both the multispecies fishery and exempted fishery sub-ACLs, the applicable AM area(s) shall be in effect for both the multispecies fishery and exempted fisheries as described in this paragraph (a)(5)(i)(E). If a sub-ACL for either stock of windowpane flounder is allocated to another fishery, consistent with the process specified at paragraph (a)(4) of this section, and there are AMs for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to paragraph (a)(5) of this section exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

(*4*) *Windowpane AM Areas.* The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted.

Point	N latitude	W longitude
Northern Windowpane Flounder and Ocean Pout Small AM Area		
1	41°10′	67°40′
2	41°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	41°10′	67°40′
Northern Windowpane Flounder and Ocean Pout Large AM Area		
1	42°10′	67°40′
2	42°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	42°10′	67°40′
Southern Windowpane Flounder and Ocean Pout Small AM Area		
1	41°10′	71°30′
2	41°10′	71°20′
3	40°50′	71°20′
4	40°50′	71°30′
1	41°10′	71°30′
Southern Windowpane Flounder and Ocean Pout Large AM Area 1		
1	41°10′	71°50′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°50′
1	41°10′	71°50′
Southern Windowpane Flounder and Ocean Pout Large AM Area 2		
1	([1])	73°30′
2	40°30′	73°30′
3	40°30′	73°50′
4	40°20′	73°50′
5	40°20′	([2])
6	([3])	73°58.5′
7	([4])	73°58.5′
8	[5] 40°32.6′	[5] 73°56.4′
1	([1])	73°30′
Southern Windowpane Flounder Large AM Area 3		
1	41°10′	71°30′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°30′
1	41°10′	71°30′

[1] The southernmost coastline of Long Island, NY, at 73°30′ W longitude.

[2] The easternmost coastline of NJ at 40°20′ N latitude, then northward along the NJ coastline to Point 6.

[3] The northernmost coastline of NJ at 73°58.5′ W longitude.

[4] The southernmost coastline of Long Island, NY, at 73°58.5′ W longitude.

[5] The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southernmost coastline of Long Island, NY (excluding South Oyster Bay), back to Point 1.

(*5*) *Reducing the size of an AM.* If the overall northern or southern windowpane flounder ACL is exceeded by more than 20 percent and NMFS determines that the stock is rebuilt, and the biomass criterion, as defined by the Council, is greater than the most recent fishing year's catch, then only the small AM may be implemented as described in paragraph (a)(5)(i)(D)(*1*) of this section, consistent with the Administrative Procedure Act. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3).

(*6*) *Reducing the duration of an AM.* If the northern or southern windowpane flounder AM is implemented in the third fishing year following the year of an overage, as described in paragraph (a)(5)(i)(D) of this section, and NMFS subsequently determines that the applicable windowpane flounder ACL was not exceeded by any amount the year immediately after which the overage occurred (*i.e.,* the second year), on or after September 1 the AM can be removed once year-end data are complete. This reduced duration does not apply if NMFS determines during year 3 that a year 3 overage of the applicable windowpane flounder ACL has occurred. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to

all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3).

(F) *Atlantic halibut.* If NMFS determines the overall ACL for Atlantic halibut is exceeded, as described in this paragraph (a)(5)(i)(F), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented and any vessel issued a Federal permit for any fishery management plan may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented, as specified in paragraph (a)(5)(i)(F) of this section. Vessels issued only a charter/party permit, and/or an Atlantic highly migratory species angling permit, and/or an Atlantic highly migratory species charter/headboat permit are exempt from the AM. A vessel issued a permit that is not exempt from the AM in addition to an exempt permit may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(F) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6); except that selective trawl gear is not required in the portion of the Trawl Gear AM Area between 41 degrees 40 minutes and 42 degrees from April 1 through July 31. When in effect, a limited access NE multispecies permitted vessel with gillnet gear may not fish or be in the Atlantic Halibut Fixed Gear AM Area from March 1 through October 31, unless transiting with its gear stowed and not available for immediate use as defined in § 648.2, or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic halibut is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC HALIBUT TRAWL GEAR AM AREA

Point	N latitude	W longitude
1	42°00′	69°20′
2	42°00′	68°20′
3	41°30′	68°20′
4	41°30′	69°20′

ATLANTIC HALIBUT GILLNET GEAR AM AREA

Point	N latitude	W longitude
1	43°10′	69°40′
2	43°10′	69°30′
3	43°00′	69°30′
4	43°00′	69°40′

(G) *Atlantic wolffish.* If NMFS determines the overall ACL for Atlantic wolffish is exceeded, as described in this paragraph (a)(5)(i)(G), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented, as specified in this paragraph (a)(5)(i)(G). If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in this paragraph (a)(5)(i)(G), and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Wolffish Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Wolffish Fixed Gear AM Areas, unless transiting with its gear stowed and not available for immediate use as defined in § 648.2, or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic wolffish is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and AMs are developed for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC WOLFFISH TRAWL GEAR AM AREA

Point	N latitude	W longitude
1	42°30′	70°30′
2	42°30′	70°15′
3	42°15′	70°15′
4	42°15′	70°10′
5	42°10′	70°10′
6	42°10′	70°20′
7	42°20′	70°20′
8	42°20′	70°30′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 1

Point	N latitude	W longitude
1	41°40′	69°40′
2	41°40′	69°30′
3	41°30′	69°30′
4	41°30′	69°40′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 2

Point	N latitude	W longitude
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

(H) *Ocean pout.* Unless otherwise specified in paragraphs (a)(5)(i)(E)(*5*) and (*6*) of this section, if NMFS determines the total catch exceeds the overall ACL for ocean pout, as described in paragraph (a)(5)(i)(E) of this section, by any amount greater than the management uncertainty buffer up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, large AM area(s) for the stock shall be

implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. The AM areas for ocean pout are defined in paragraph (a)(5)(i)(E)(*4*) of this section, connected in the order listed by rhumb lines, unless otherwise noted. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6).

* * * * *

(iv) * * *

(C) *2018 fishing year threshold for implementing the Atlantic sea scallop fishery AM for SNE/MA yellowtail flounder.* For the 2018 fishing year, if the scallop fishery catch exceeds its SNE/MA yellowtail flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. Beginning in fishing year 2019, the threshold for implementing scallop fishery AMs for SNE/MA yellowtail flounder listed in paragraph (a)(5)(iv)(A) of this section will be in effect.

* * * * *

[FR Doc. 2018–09148 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 170831849–8404–01]

RIN 0648–BH22

Fisheries Off West Coast States; West Coast Salmon Fisheries; 2018 Management Measures and a Temporary Rule

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

ACTION: Final rule; and a temporary rule for emergency action.

SUMMARY: Through this final rule, NMFS establishes fishery management measures for the 2018 ocean salmon fisheries off Washington, Oregon, and California and the 2019 salmon seasons opening earlier than May 1, 2019. The temporary rule for emergency action (emergency rule), under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), implements the 2018 annual management measures for the West Coast ocean salmon fisheries for the area from the U.S./Canada border to Cape Falcon, OR, from May 1, 2018, through October 28, 2018. The emergency rule is required because allocation of coho harvest between recreational and commercial fisheries will not be consistent with the allocation schedule specified in the Pacific Coast Salmon Fishery Management Plan (FMP) in order to limit fishery impacts on Queets and Grays Harbor coho and meet conservation and management objectives. The fishery management measures for the area from Cape Falcon, OR, to the U.S./Mexico border are consistent with the FMP and are implemented through a final rule. Specific fishery management measures vary by fishery and by area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the U.S. exclusive economic zone (EEZ) (3–200 nautical miles (nmi)) off Washington, Oregon, and California. The management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian, non-treaty commercial, and recreational fisheries. The measures are also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for spawning escapement and inside fisheries (fisheries occurring in state internal waters).

DATES: The final rule covering fisheries south of Cape Falcon, OR, is effective from 0001 hours Pacific Daylight Time (PDT), May 1, 2018, until the effective date of the 2019 management measures, which will be published in the **Federal Register**. The temporary rule covering fisheries north of Cape Falcon, OR, is effective from 0001 hours PDT, May 1, 2018, through 2400 hours PDT, October 28, 2018, or the attainment of the specific quotas listed below in section two of this rule.

ADDRESSES: The documents cited in this document are available on the Pacific Fishery Management Council's (Council's) website (*www.pcouncil.org*).

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at (206) 526–4323.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries in the EEZ off Washington, Oregon, and California are managed under a ''framework'' FMP. Regulations at 50 CFR part 660, subpart H, provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**. 50 CFR 660.408, in addition to the FMP, governs the establishment of annual management measures.

The management measures for the 2018 and pre-May 2019 ocean salmon fisheries that are implemented in this final rule were recommended by the Council at its April 5 to 11, 2018, meeting.

Process Used To Establish 2018 Management Measures

The Council announced its annual preseason management process for the 2018 ocean salmon fisheries in the **Federal Register** on December 27, 2017 (82 FR 61268), and on the Council's website at *www.pcouncil.org.* NMFS published an additional notice of opportunities to submit public comments on the 2018 ocean salmon fisheries in the **Federal Register** on January 23, 2018 (83 FR 3133). These notices announced the availability of Council documents, the dates and locations of Council meetings and public hearings comprising the Council's complete schedule of events for determining the annual proposed and final modifications to ocean salmon fishery management measures, and instructions on how to comment on the development of the 2018 ocean salmon fisheries. The agendas for the March and April Council meetings were published in the **Federal Register** (83 FR 7457, February 21, 2018, and 83 FR 11991, March 19, 2018, respectively) and posted on the Council's website prior to the actual meetings.

In accordance with the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared four reports for the Council, its advisors, and the public. All four reports were made available on the Council's website upon their completion. The first of the reports, ''Review of 2017 Ocean Salmon Fisheries,'' was prepared in February when the first increment of scientific information necessary for crafting management measures for the 2018 and pre-May 2019 ocean salmon fisheries became available. The first report summarizes biological and socio-economic data for the 2017 ocean salmon fisheries and assesses the performance of the fisheries with respect to the Council's 2017 management objectives. The second report, ''Preseason Report I Stock Abundance Analysis and Environmental

Assessment Part 1 for 2018 Ocean Salmon Fishery Regulations'' (PRE I), provides the 2018 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 2017 regulations and regulatory procedures were applied to the projected 2018 stock abundances. The completion of PRE I is the initial step in developing and evaluating the full suite of preseason alternatives.

Following completion of the first two reports, the Council met in Rohnert Park, CA, from March 7 to 14, 2018, to develop 2018 management alternatives for proposal to the public. The Council proposed three alternatives for commercial and recreational fisheries management for analysis and public comment. These alternatives consisted of various combinations of management measures designed to ensure that stocks of coho and Chinook salmon with low abundance meet conservation goals, and to provide for ocean harvests of more abundant stocks. After the March Council meeting, the Council's STT and staff economist prepared a third report, ''Preseason Report II Proposed Alternatives and Environmental Assessment Part 2 for 2018 Ocean Salmon Fishery Regulations'' (PRE II), which analyzes the effects of the proposed 2018 management alternatives.

The Council sponsored public hearings to receive testimony on the proposed alternatives on March 26, 2018, in Westport, WA, and Coos Bay, OR; and on March 27, 2018, in Salinas, CA. The States of Washington, Oregon, and California sponsored meetings in various fora that also collected public testimony, which was then presented to the Council by each state's Council representative. The Council also received public testimony at both the March and April meetings and received written comments at the Council office and electronic submissions via *www.regulations.gov.*

The Council met from April 5 to 11, 2018, in Portland, OR, to adopt its final 2018 salmon management recommendations. Following the April Council meeting, the Council's STT and staff economist prepared a fourth report, ''Preseason Report III Analysis of Council-Adopted Management Measures for 2018 Ocean Salmon Fisheries'' (PRE III), which analyzes the environmental and socio-economic effects of the Council's final recommendations. After the Council took final action on the annual ocean salmon specifications in April, it transmitted the recommended management measures to NMFS, published them in its newsletter, and posted them on the Council website (*www.pcouncil.org*).

National Environmental Policy Act (NEPA)

The environmental assessment (EA) for this action comprises the Council's documents described above (PRE I, PRE II, and PRE III), providing analysis of environmental and socioeconomic effects under NEPA. The EA and its related Finding of No Significant Impact are posted on the NMFS West Coast Region website (*www.westcoast.fisheries.noaa.gov*).

Resource Status

Stocks of Concern

The FMP requires that the fisheries be shaped to meet escapement-based Annual Catch Limits (ACLs), Endangered Species Act (ESA) consultation requirements, obligations of the Pacific Salmon Treaty (PST) between the U.S. and Canada, and other conservation objectives detailed in the FMP. Because the ocean salmon fisheries are mixed-stock fisheries, this requires ''weak stock'' management to avoid exceeding limits for the stocks with the most constraining limits. Abundance forecasts for individual salmon stocks can vary significantly from one year to the next; therefore, the stocks that constrain the fishery in one year may differ from those that constrain the fishery in the next. For 2018, limits for six stocks are the most constraining on the fisheries; these are described below.

Fisheries south of Cape Falcon, OR, are limited in 2018 primarily by conservation concerns for Klamath River fall-run Chinook salmon (KRFC) and Sacramento River fall-run Chinook salmon (SRFC); both stocks meet the FMP criteria for being overfished, although NMFS has not made a determination at this time. Fisheries north of Cape Falcon are limited primarily by the low abundance forecast for Queets and Grays Harbor coho which are managed subject to provisions of the Pacific Salmon Treaty as well as those specified in the Council's FMP. The Queets coho stock, as well as Juan de Fuca and Snohomish coho stocks, meets the FMP criteria for being overfished; although again, NMFS has not made a determination at this time. Additionally, collective fisheries impacts on the tule component of the ESA-listed Lower Columbia River Chinook salmon evolutionarily significant unit (ESU) and Puget Sound Chinook salmon ESU are limiting primarily to fisheries north of Cape Falcon. The limitations imposed in order to protect these stocks are described below. The alternatives and the Council's recommended management measures for 2018 were designed to avoid exceeding these limitations.

Klamath River fall-run Chinook salmon (KRFC): Abundance for this non-ESA-listed stock in recent years has been historically low, and it currently meets the FMP's status determination criteria (SDC) for an overfished condition based on spawning escapement in 2015, 2016, and 2017. The FMP defines ''overfished'' status in terms of a three-year geometric mean escapement level and whether it is below the minimum stock size threshold. Forecast abundance for KRFC in 2017 was the lowest on record. Forecast abundance for KRFC in 2018 is improved from 2017, and fisheries will be managed to meet the FMP conservation objective, a maximum sustainable yield spawning escapement goal (S_{MSY}) of 40,700 natural area spawners. Fisheries south of Cape Falcon, particularly in the Klamath Management Zone (KMZ) from Humbug Mountain, OR to Humboldt South Jetty, CA will be somewhat constrained to meet this goal, but less so than in 2017 when there was a complete closure of commercial and recreational ocean salmon fishing in the KMZ.

Sacramento River fall-run Chinook salmon (SRFC): SRFC is not an ESA-listed stock; however, abundance for this stock in recent years has been low. In 2017, spawning escapement was 33 percent of what was forecast. The stock currently meets the FMP's SDC for an overfished condition based on escapements in 2015, 2016, and 2017. Abundance forecast for SRFC in 2018 is nearly identical to the forecast in 2017. However, preseason abundance forecasts for SRFC have tended to be optimistic in recent years, when compared to postseason abundance estimates. For example, in 2017 the preseason forecast for SRFC abundance was 230,700, whereas the postseason estimate was 139,997. In order to be conservative given the frequent upward bias in the abundance forecasts and the fact that SRFC meet the FMP criteria for overfished, the Council has recommended fisheries to achieve a spawning escapement of 151,000, the mid-point of the FMP Conservation Objective range (122,000 to 180,000 natural and hatchery adult spawners). Meeting this risk averse spawning escapement goal will constrain fisheries south of Cape Falcon in 2018.

Queets coho: Queets coho are managed in Council-area and northern

fisheries subject to the provisions of the PST. The 2018 abundance forecast for this non-ESA-listed stock is low; 7,000 fish compared to a 2008–2017 average of 16,620 fish. The stock currently meets the FMP's criteria for an overfished condition based on escapements in 2014, 2015, and 2016 (the three most recent years for which escapement data are available). The FMP's conservation objective for Queets coho is an S_{MSY} spawning escapement of 5,800 fish after ocean and in-river fishery impacts. Under the criteria of the PST's Southern Coho Management Plan, Queets coho abundance is in the ''low'' category in 2018 and subject to a total exploitation rate limit of 20 percent. The Council has recommended fisheries that will meet both the FMP's escapement requirement and the PST exploitation rate limit. Meeting the conservation and management objectives for Queets coho will constrain fisheries north of Cape Falcon.

Grays Harbor coho: Grays Harbor coho is another non-ESA-listed stock that, like Queets coho, is managed in Council-area and northern fisheries subject to provisions of the PST. The forecast abundance for Grays Harbor coho places this stock in the ''low'' category under the PST, which limits the exploitation rate to 20 percent. The U.S. Commissioner that represents Washington State informed the Canadian Chair of the Pacific Salmon Commission that we anticipate a total exploitation rate of 20.7 percent for Grays Harbor coho and, given the small deviation from the 20 percent limit, recommended that we not invoke the provisions of PST Chapter Five, Paragraph 11(c) that involve the Southern Panel. The Canadian Chair did not object to the recommendation. The result is that the action is in compliance with provisions of the PST.

The FMP also includes a conservation objective for Grays Harbor coho—a spawning escapement of 35,400 fish. Although the Council's recommendations would allow for an ocean escapement of 40,500 Grays Harbor coho, the conservation objective in the FMP is for a spawning escapement that accounts for in-river fishery impacts. The FMP provides flexibility in setting the annual spawning escapement for several Washington coho stocks, provided there is agreement between the Washington Department of Fish and Wildlife (WDFW) and the treaty tribes, under the provisions of *U.S.* v *Washington.* Based on agreement between those parties, the Council adopted a 2018 spawning escapement target of 33,700 Grays Harbor coho to allow for limited harvest opportunity in ocean and in-river fisheries directed at other higher-abundance stocks. Meeting the conservation and management objectives for Grays Harbor coho will constrain fisheries, primarily north of Cape Falcon.

Lower Columbia River Chinook salmon (LCR Chinook)—ESA-listed Threatened: In 2012, NMFS consulted under ESA section 7 and issued a biological opinion that applies to fisheries beginning in 2012, concluding that the proposed fisheries, if managed consistent with the proposed action analyzed in the biological opinion, are not likely to jeopardize the continued existence of LCR Chinook salmon. The LCR Chinook salmon ESU is comprised of a spring-run component, a ''far-north'' migrating bright component, and a component of north migrating tules. The bright and tule components both have fall-run timing. Unlike the spring-run or bright populations of the ESU, LCR tule populations are caught in large numbers in Council fisheries, as well as fisheries to the north and in the Columbia River. Therefore, this component of the ESU is the one most likely to constrain Council fisheries in the area north of Cape Falcon, Oregon. Consistent with the proposed action for the 2012 biological opinion, NMFS and the Council use an abundance-based management (ABM) framework to set annual exploitation rates for LCR tule Chinook salmon below Bonneville Dam. Applying the ABM framework to the 2018 preseason abundance forecast, the LCR tule exploitation rate is limited to a maximum of 38 percent. In 2018, LCR Chinook will primarily constrain salmon fisheries north of Cape Falcon.

Puget Sound Chinook—ESA-listed Threatened: Impacts on threatened Puget Sound Chinook from Council-managed fisheries are addressed through a 2004 biological opinion. Generally, these impacts are quite low and well within the range contemplated in the 2004 opinion. However, because Puget Sound Chinook are also impacted by fisheries in Puget Sound and associated freshwater fisheries (collectively referred to as ''inside'' fisheries), the Council and NMFS usually consider the impacts of Council-area and inside fisheries on Puget Sound Chinook together, and they base their analysis of the combined impacts on a package of Puget Sound fisheries to which the State of Washington and Indian tribes with treaty rights to fish in Puget Sound have agreed through a negotiation process that runs concurrent with the Council's salmon season planning process. In 2018, fisheries north of Cape Falcon will be constrained to avoid jeopardy to several populations within the Puget Sound Chinook salmon ESU, when combined with inside fisheries.

Sacramento River winter-run Chinook salmon (SRWC)—ESA-listed Endangered: The endangered SRWC ESU is one of NMFS' Species in the Spotlight, eight species that are among the most at risk of extinction in the near future. Impacts on SRWC from Council-managed fisheries are addressed through a set of management measures analyzed in NMFS' 2018 biological opinion and approved by NMFS, including a new harvest control rule recommended by the Council for limiting impacts on SRWC based on projected abundance. The harvest control rule was developed through the Council process over two years. NMFS published a final rule to approve the Council's recommendation (83 FR 18233, April 26, 2018). The SRWC management measures include management-area-specific fishing season openings and closures and minimum size limits for both commercial and recreational fisheries, these restrictions were included in a 2012 Reasonable and Prudent Alternative NMFS issued for the fishery. The new harvest control rule establishes an allowable age-three impact rate based on the forecast of age-three SRWC escapement absent fishing. The forecast of the age-three escapement absent fishing is based on juvenile survival rates spanning outmigration in freshwater and early ocean residence. The forecast of SRWC age-three escapement absent fishing in 2018 is 1,594. Application of the harvest control rule results in a maximum age-three impact rate of 14.4 percent for the area south of Point Arena in 2018. However, constraints in place for SRFC will limit impacts to SRWC to 8.5 percent; therefore, SRWC will not constrain fisheries south of Cape Falcon in 2018.

Annual Catch Limits and Status Determination Criteria

Annual Catch Limits (ACLs) are set for two Chinook salmon stocks, SRFC and KRFC, and one coho stock, Willapa Bay natural coho. The Chinook salmon stocks are indicator stocks for the Central Valley Fall Chinook complex and the Southern Oregon/Northern California Chinook complex, respectively. The Far North Migrating Coastal Chinook complex includes a group of Chinook salmon stocks that are caught primarily in fisheries north of Cape Falcon, Oregon, and other fisheries that occur north of the U.S./Canada border. No ACL is set for these stocks because they are managed subject to

provisions of the PST between the U.S. and Canada. Other Chinook salmon stocks caught in fisheries north of Cape Falcon are ESA-listed or hatchery produced, and are managed consistent with ESA consultations or hatchery goals. Willapa Bay natural coho is the only coho stock for which an ACL is set, as the other coho stocks in the FMP are either ESA-listed, hatchery produced, or managed under the PST.

ACLs for salmon stocks are escapement-based, which means they establish a number of adults that must escape the fisheries to return to the spawning grounds. ACLs are set based on the annual potential spawner abundance forecast and a fishing rate reduced to account for scientific uncertainty. For SRFC in 2018, the overfishing limit (OFL) is S_{OFL} = 229,432 (potential spawner abundance forecast) multiplied by $1-F_{MSY}$ $(1-0.78)$ or 50,475 returning spawners (F_{MSY} is the fishing mortality rate that would result in maximum sustainable yield − MSY). S_{ABC} is 229,432 multiplied by $1-F_{ABC}$ $(1-0.70)$ (F_{MSY} reduced for scientific uncertainty = 0.70) or 68,830. The S_{ACL} is set equal to S_{ABC}, *i.e.,* 68,830 spawners. The adopted management measures provide for a projected SRFC spawning escapement of 151,000. For KRFC in 2018, S_{OFL} is 59,733 (potential spawner abundance forecast) multiplied by $1-F_{MSY}$ $(1-0.71)$, or 17,323 returning spawners. S_{ABC} is 59,733 multiplied by $1-F_{ABC}$ $(1-0.68)$ (F_{MSY} reduced for scientific uncertainty = 0.68) or 19,115 returning spawners. S_{ACL} is set equal to S_{ABC}, *i.e.,* 19,115 spawners. The adopted management measures provide for a projected KRFC spawning escapement of 40,700. For Willapa Bay natural coho in 2018, S_{OFL} = 20,645 (potential spawner abundance forecast) multiplied by $1-F_{MSY}$ $(1-0.74)$ or 5,368 returning spawners. S_{ABC} is 20,645 multiplied by $1-F_{ABC}$ $(1-0.70)$ (F_{MSY} reduced for scientific uncertainty = 0.70) or 6,194. S_{ACL} is set equal to S_{ABC}, *i.e.,* 6,194 spawners. The adopted management measures provide for a projected Willapa Bay natural coho ocean escapement of 19,000.

As explained in more detail above under ''Stocks of Concern,'' fisheries north and south of Cape Falcon are constrained by impact limits necessary to protect ESA-listed salmon stocks including LCR and Puget Sound Chinook salmon, as well as four salmon stocks that are not ESA-listed. For 2018, projected abundance of the three stocks with ACLs (SRFC, KRFC, and Willapa Bay natural coho), in combination with the constraints for ESA-listed and non-ESA-listed stocks, are expected to result in escapements greater than required to meet the ACLs for all three stocks with defined ACLs.

Emergency Rule

The Council's final recommendation for the ocean salmon fishing seasons that commence May 1, 2018, deviates from the FMP specifically with regard to the FMP's allocation schedule for coho harvest in the area north of Cape Falcon, between commercial and recreational fisheries. The total allowable catch (TAC) of coho in non-treaty commercial and recreational fisheries north of Cape Falcon is 47,600 marked coho in 2018. At that TAC level, the FMP allocates 25 percent (16 percent marked coho equivalent) of coho to the commercial fishery and 75 percent (84 percent marked coho equivalent) of coho to the recreational fishery. To limit fishery impacts on coho consistent with the adopted spawning escapement and exploitation rates described above, the Council recommended the following allocations of marked coho TAC: 12 percent commercial and 88 percent recreational. Recreational fisheries are more dependent on coho, while commercial fisheries are more dependent on Chinook salmon. Additionally, in mark-selective fisheries, recreational fisheries have a lower impact rate than commercial fisheries due to lower hook and release mortality. This deviation from the FMP allocation schedule should provide fishing opportunity on abundant stocks while limiting fishery impacts on Queets coho.

The Council considered three alternative fishery management schemes for the fisheries north of Cape Falcon; one of the three alternatives was inconsistent with the FMP coho allocation schedule. Alternative I would have limited the commercial fishery to 12 percent of the north of Falcon marked coho TAC, inconsistent with the FMP allocation schedule between commercial and recreational fisheries; Alternatives II and III would have been consistent with the FMP coho allocation schedule. The Council's state and tribal representatives, and industry advisory committee, supported consideration of these three alternatives. The Council's final recommended management measures are within the range of the three alternatives in terms of impacts to coho and they meet the FMP conservation objectives. The Council voted unanimously to adopt these measures, and members spoke about the need to conserve Queets and Grays Harbor coho while providing harvest opportunity on abundant stocks to provide economic benefit to fishery dependent communities.

The proposed fisheries are designed to minimize impacts on Queets and Grays Harbor coho and are not expected to jeopardize the capacity of the fishery to produce maximum sustainable yield on a continuing basis. The FMP defines overfishing and overfished status for these stocks. No coho stock would be subject to overfishing under the proposed management measures. Queets coho currently meet the FMP's SDC for an overfished condition based on escapements in 2014, 2015, and 2016. Escapement for Queets coho is not yet available for 2017; however, fisheries in 2017 were managed similar to the Council's proposed 2018 fisheries, to conserve fishery impacts to Queets and other coho stocks.

The temporary rule for emergency action implements the 2018 annual management measures for the West Coast ocean salmon fisheries for the area from the U.S./Canada border to Cape Falcon, OR, for 180 days, from May 1, 2018, through October 28, 2018 (16 U.S.C. 1855(c)).

Public Comments

The Council invited written comments on developing 2018 salmon management measures in their notice announcing public meetings and hearings (82 FR 61268, December 27, 2017). At its March meeting, the Council adopted three alternatives for 2018 salmon management measures having a range of quotas, season structure, and impacts, from the least restrictive in Alternative I to the most restrictive in Alternative III. These alternatives are described in detail in PRE II. Subsequently, comments were taken at three public hearings held in March, staffed by representatives of the Council and NMFS. The Council received several written comments directly. The three public hearings were attended by a total of 229 people; 80 people provided oral comments. Comments came from individual fishers, fishing associations, fish buyers, and processors. Written and oral comments addressed the 2018 management alternatives described in PRE II, and generally expressed preferences for a specific alternative or for particular season structures as well as concern over economic impacts of restricting fisheries for conservation of weak stocks. All comments were included in the Council's briefing book for their April 2018 meeting and were considered by the Council, which includes a representative from NMFS, in developing the recommended management measures transmitted to

NMFS on April 19, 2018. In addition to comments collected at the public hearings and those submitted directly to the Council, several people provided oral comments at the April 2018 Council meeting. NMFS also invited comments to be submitted directly to the Council or to NMFS, via the Federal Rulemaking Portal (*www.regulations.gov*) in a notice (83 FR 3133, January 23, 2018). Twenty comments were submitted via *www.regulations.gov*; of these, two were relevant to the 2018 ocean salmon fishery.

Comments on alternatives for fisheries north of Cape Falcon. For fisheries north of Cape Falcon, Alternative I was favored by most commercial and recreational fishery commenters at the public hearing in Westport, WA. A variety of modifications to the alternatives were presented, most designed to maximize fishing opportunity or extend the season in both commercial and recreational fisheries.

Comments on alternatives for fisheries south of Cape Falcon. Comments supporting a particular alternative south of Cape Falcon varied with geographic location of the meeting or commenter. Those attending the meeting in Coos Bay, OR, largely favored Alternative I for both commercial and recreational fisheries, while those attending the meeting in Salinas, CA, did not express support for any of the commercial fishery alternatives and the few attendees who expressed a preference for any of the recreational alternatives favored Alternative I. Comments on fisheries south of Cape Falcon largely focused on the economic consequences of continuing constrained fisheries.

Comments on incidental halibut retention in the commercial salmon fisheries. At its March meeting, the Council identified three alternatives for landing limits for incidentally caught halibut that are retained in the salmon troll fishery. The alternatives included: (1) A range of trip limits for halibut possession and landing, (2) two alternatives for the ratio of halibut to Chinook salmon landed in a trip, and (3) the number of halibut that could be retained prior to catching any Chinook salmon. There were a few comments received on halibut and these focused on the ability to access the full halibut allocation as Chinook salmon landing limits will be constrained in many areas (severely constrained salmon fisheries in 2016 resulted in the commercial fleet being unable to access all of the incidental halibut allocation available).

Comments from treaty tribe representatives. At its March and April meetings, the Council heard testimony from members of several treaty tribes; additional comments were submitted in writing. There was strong concern about environmental conditions in the Klamath and Trinity Rivers that are deleterious to salmon survival, including promoting increased rates of infection by the parasite *Ceratonova shasta.* Comments were made on the need for sufficient spawning escapement in the Columbia River Basin and in support of successful artificial propogation and reintroduction efforts implemented there by the tribes. Comments were made on the reserved treaty rights of tribes to fish and frustration with insufficient salmon for tribal needs.

The Council, including the NMFS representative, took all of these comments into consideration. The Council's final recommendation generally includes aspects of all three alternatives, while taking into account the best available scientific information and ensuring that fisheries are consistent with impact limits for ESA–listed stocks, ACLs, PST obligations, and tribal fishing rights. These management tools assist the Council in meeting impact limits on weak stocks. The Council adopted an alternative for incidental halibut retention that is within the range of the alternatives considered, including a per trip landing limit that is lower than was adopted for 2017 salmon fisheries (82 FR 19631, April 28, 2017).

Management Measures for 2018 Fisheries

The Council's recommended ocean harvest levels and management measures for the 2018 fisheries are designed to apportion the burden of protecting the weak stocks identified and discussed in PRE I equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. NMFS finds the Council's recommendations to be responsive to the goals of the FMP, the requirements of the resource, and the socioeconomic factors affecting resource users. The recommendations are consistent with the requirements of the MSA, U.S. obligations to Indian tribes with federally recognized fishing rights, and U.S. international obligations regarding Pacific salmon. The Council's recommended management measures are consistent with the proposed actions analyzed in NMFS' ESA consultations for those ESA-listed salmon species that may be affected by Council fisheries. Accordingly, NMFS, through this final rule and temporary rule, approves and implements the Council's recommendations.

North of Cape Falcon, 2018 management measures for non-Indian commercial troll and recreational fisheries have decreased quotas for Chinook salmon compared to 2017, and coho quotas are the same as in 2017.

Quotas for the 2018 treaty-Indian commercial troll fishery North of Cape Falcon are 40,000 Chinook salmon and 12,500 coho in ocean management areas and Washington State Statistical Area 4B combined. These quotas are unchanged from 2017. The treaty-Indian commercial fisheries include a May and June fishery with a quota of 16,000 Chinook, and a July and August fishery, with quotas of 24,000 Chinook and 12,500 coho.

Recreational fisheries south of Cape Falcon will be directed primarily at Chinook salmon and are shaped to meet conservation and management goals for KRFC and SRFC spawning escapement. Commercial fisheries south of Cape Falcon will be directed at Chinook and have no coho retention.

Management Measures for 2019 Fisheries

The timing of the March and April Council meetings makes it impracticable for the Council to recommend fishing seasons that begin before May 1 of the same year. Therefore, this action also establishes the 2019 fishing seasons that open earlier than May 1. The Council recommended, and NMFS concurs, that the commercial season off Oregon from Cape Falcon to the Oregon/California border, the commercial season off California from Horse Mountain to Point Arena, the recreational season off Oregon from Cape Falcon to Humbug Mountain, and the recreational season off California from Horse Mountain to the U.S./Mexico border will open in 2019 as indicated in the ''Season Description'' section of this document. At the March 2019 meeting, NMFS may take inseason action, if recommended by the Council or the states, to adjust the commercial and recreational seasons prior to May 1 in the areas off Oregon and California.

The following sections set out the management regime for the ocean salmon fishery. Open seasons and days are described in Sections 1, 2, and 3 of the 2018 management measures. Inseason closures in the commercial and recreational fisheries are announced on the NMFS hotline and through the U.S. Coast Guard (USCG) Notice to Mariners as described in Section 6. Other inseason adjustments to management measures are also announced on the hotline and through the Notice to

Mariners. Inseason actions will also be published in the **Federal Register** as soon as practicable.

The following are the management measures recommended by the Council, approved, and implemented here for 2018 and, as specified, for 2019.

Section 1. Commercial Management Measures for 2018 Ocean Salmon Fisheries

Parts A, B, and C of this section contain restrictions that must be followed for lawful participation in the fishery. Part A identifies each fishing area and provides the geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special restrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions, and exceptions.

A. Season Description

North of Cape Falcon, OR

—U.S./Canada Border to Cape Falcon

May 1 through the earlier of June 30 or 16,500 Chinook, no more than 5,200 of which may be caught in the area between the U.S./Canada border and the Queets River and no more than 4,600 of which may be caught in the area between Leadbetter Point and Cape Falcon (C.8). Open seven days per week (C.1). All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 28 inches total length (B). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). Chinook landing and possession limits per vessel per landing week (Thursday through Wednesday) are in place:

U.S./Canada border to the Queets River: 50 Chinook;

Queets River to Leadbetter Point: 100 Chinook;

Leadbetter Point to Cape Falcon: 50 Chinook (C.1, C.6).

When it is projected that approximately 60 percent of the overall Chinook guideline has been landed, or approximately 60 percent of the Chinook subarea guideline has been landed in the area between the U.S./Canada border and the Queets River, or approximately 60 percent of the Chinook subarea guideline has been landed in the area between Leadbetter Point and Cape Falcon, inseason action will be considered to ensure the guideline is not exceeded.

July 1 through the earlier of September 19 or 11,000 Chinook or 5,600 coho, no more than 4,600 Chinook may be caught in the area between the U.S./Canada border and the Queets River, and no more than 1,300 Chinook may be caught in the area between Leadbetter Point and Cape Falcon (C.8). Open seven days per week. All salmon may be retained, except no chum retention north of Cape Alava, Washington, in August and September (C.4, C.7). Chinook minimum size limit of 28 inches total length. Coho minimum size limit of 16 inches total length (B, C.1). All coho must be marked with a healed adipose fin clip (C.8.e). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). In the area between the U.S./Canada border and the Queets River and the area between Leadbetter Point and Cape Falcon, a landing and possession limit of 50 Chinook per vessel per landing week (Thursday through Wednesday) will be in place (C.1, C.6). Landing and possession limit of 10 coho per vessel per landing week (C.1). When it is projected that approximately 60 percent of the overall Chinook guideline has been landed, or approximately 60 percent of the Chinook subarea guideline has been landed in the area between the U.S./Canada border and the Queets River, or approximately 60 percent of the Chinook subarea guideline has been landed in the area between Leadbetter Point and Cape Falcon, inseason action will be considered to ensure the guideline is not exceeded.

For all commercial troll fisheries north of Cape Falcon: Mandatory closed areas include: Salmon Troll Yelloweye Rockfish Conservation Area (YRCA), Cape Flattery and Columbia Control Zones, and, beginning August 13, Grays Harbor Control Zone (C.5). Vessels must land and deliver their salmon within 24 hours of any closure of this fishery. Vessels fishing, or in possession of salmon while fishing, north of Leadbetter Point must land and deliver all species of fish within the area and north of Leadbetter Point. Vessels fishing, or in possession of salmon while fishing, south of Leadbetter Point must land and deliver all species of fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land all species of fish in Garibaldi, OR. Under state law, vessels must report their catch on a state fish receiving ticket. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, WA, and Cape Falcon, OR, must notify Oregon Department of Fish and Wildlife (ODFW) within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867–0300 ext. 271 or sending notification via email to *nfalcon.trollreport@state.or.us.* Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8). Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at (360) 249–1215 with area fished, total Chinook, coho, and halibut catch aboard, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW at (360) 249–1215 with area fished, total Chinook, coho, and halibut catch aboard, and destination.

South of Cape Falcon, OR

—Cape Falcon to Humbug Mountain

May 4–14, and 19–31;
June 4–12, and 16–30;
July 5–12, and 16–31;
August 3–7, 13–17, and 25–29;
September 1–October 31 (C.9.a).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 28 inches total length (B, C.1). All vessels fishing in the area must land their fish in the state of Oregon. See gear restrictions and definitions (C.2, C.3) and Oregon State regulations for a description of special regulations at the mouth of Tillamook Bay. Beginning September 1, no more than 50 Chinook allowed per vessel per landing week (Thursday through Wednesday); and only open shoreward of the 40 fathom management line beginning October 1.

In 2019, the season will open March 15 for all salmon except coho. Chinook minimum size limit of 28 inches total length. Gear restrictions same as in 2018. This opening could be modified following Council review at its March 2019 meeting.

—Humbug Mountain to Oregon/California Border (Oregon KMZ)

May 4–14, and 19–31;
June 4–12, and 16–30, or a 1,500 Chinook quota;
July 5–12, and 16–31, or a 2,000 Chinook quota;
August 3–7, 13–17, and 25–29, or a 500 Chinook quota; (C.9.a).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 28 inches total length (B, C.1). See compliance requirements (C.1) and gear

restrictions and definitions (C.2, C.3). Prior to June 1, all salmon caught in this area must be landed and delivered in the state of Oregon. June 4 through August 29 weekly landing and possession limit of 50 Chinook per vessel per landing week (Thursday through Wednesday). Any remaining portion of a monthly Chinook quota may be transferred inseason on an impact neutral basis to the next open quota period (C.8.b). All vessels fishing in this area from June through August must land and deliver all salmon within this area or into Port Orford, within 24 hours of any closure of this fishery, and prior to fishing outside of this area. For all quota managed seasons, Oregon state regulations require fishers to notify ODFW within one hour of landing and prior to transport away from the port of landing by calling (541) 867–0300 extension 252 or sending notification via email to *kmzor.trollreport@state.or.us,* with vessel name and number, number of salmon by species, location of delivery, and estimated time of delivery. In 2019, the season will open March 15 for all salmon except coho. Chinook minimum size limit of 28 inches total length. Gear restrictions same as in 2018. This opening could be modified following Council review at its March 2019 meeting.

—Oregon/California Border to Humboldt South Jetty (California KMZ)

May 1 through the earlier of May 29, or a 3,600 Chinook quota;
June 1 through the earlier of June 30, or a 4,000 Chinook quota;
July 1 through the earlier of July 31, or a 4,000 Chinook quota;
August 3 through the earlier of August 31, or a 4,000 Chinook quota (C.9.b).

Open five days per week (Friday through Tuesday). All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). Landing and possession limit of 20 Chinook per vessel per day (C.8.f). Any remaining portion of a monthly Chinook quota may be transferred inseason on an impact neutral basis to the next open quota period (C.8.g). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All fish caught in this area must be landed within the area and within 24 hours of any closure of the fishery and prior to fishing outside the area (C.10). Klamath Control Zone closed (C.5.e). See California State regulations for additional closures adjacent to the Smith and Klamath Rivers.

—Humboldt South Jetty to Horse Mt.

Closed.

For all commercial fisheries south of Cape Falcon: When the fishery is closed between the Oregon/California border and Humbug Mountain and open to the south, vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, OR, prior to landing in California, only if such vessels first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the vessel name, number of fish on board, and estimated time of arrival (C.6).

—Horse Mt. to Point Arena (Fort Bragg)

July 26–31;
August 3–29;
September 1–30 (C.9.b).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All salmon must be landed in California. All salmon caught in the area prior to September 1 must be landed and offloaded no later than 11:59 p.m., August 30 (C.6). When the California KMZ fishery is open, all fish caught in the area must be landed south of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours (C.6). During September, all fish must be landed north of Point Arena (C.6). In 2019, the season will open April 16–30 for all salmon except coho, with a 27 inch Chinook minimum size limit and the same gear restrictions as in 2018. All salmon caught in the area must be landed in the area. This opening could be modified following Council review at its March 2019 meeting.

—Point Arena to Pigeon Point (San Francisco)

July 26–31;
August 3–29;
September 1–30 (C.9.b).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All salmon must be landed in California. All salmon caught in the area prior to September 1 must be landed and offloaded no later than 11:59 p.m., August 30 (C.6). When the California KMZ fishery is open, all fish caught in the area must be landed south of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours (C.6). During September, all fish must be landed south of Point Arena (C.6).

—Point Reyes to Point San Pedro (Fall Area Target Zone)

October 1–5 and 8–12.

Open five days per week, Monday through Friday. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). All salmon caught in this area must be landed between Point Arena and Pigeon Point (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).

—Pigeon Point to U.S./Mexico Border (Monterey)

May 1–7;
June 19–30 (C.9.b).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All fish must be landed in California. All salmon caught in the area must be landed and offloaded no later than 11:59 p.m., July 15 (C.6). When the California KMZ fishery is open, all fish caught in the area must be landed south of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours (C.6).

For all commercial troll fisheries in California: California State regulations require all salmon be made available to a California Department of Fish and Wildlife (CDFW) representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFW, shall immediately relinquish the head of the salmon to the state (California Fish and Game Code § 8226).

B. Minimum Size (Inches) (See C.1)

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon, OR	28.0	21.5	16	12	None.
Cape Falcon to Humbug Mountain	28.0	21.5	.....	.....	None.

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
Humbug Mountain to OR/CA border	28.0	21.5			None.
OR/CA border to Humboldt South Jetty	26.0	19.5			26.
Horse Mountain to Point Arena	26.0	19.5			26.
Point Arena to Pigeon Point	26.0	19.5			26.
Pigeon Point to U.S./Mexico border	26.0	19.5			26.

Metric equivalents: 28.0 in = 71.1 cm, 26.0 in = 66.0 cm, 21.5 in = 54.6 cm, 19.5 in = 49.5 cm, 16.0 in = 40.6 cm, and 12.0 in = 30.5 cm.

C. Requirements, Definitions, Restrictions, or Exceptions

C.1. Compliance With Minimum Size or Other Special Restrictions

All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open or has been closed less than 48 hours for that species of salmon. Salmon may be landed in an area that has been closed for a species of salmon more than 48 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the area in which they were caught. Salmon may not be filleted prior to landing.

Any person who is required to report a salmon landing by applicable state law must include on the state landing receipt for that landing both the number and weight of salmon landed by species. States may require fish landing/receiving tickets be kept on board the vessel for 90 days or more after landing to account for all previous salmon landings.

C.2. Gear Restrictions

a. Salmon may be taken only by hook and line using single point, single shank, barbless hooks.

b. Cape Falcon, Oregon, to the Oregon/California border: No more than 4 spreads are allowed per line.

c. Oregon/California border to U.S./Mexico border: No more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

C.3. Gear Definitions

Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel engaged in trolling. In that portion of the fishery management area off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Spread defined: A single leader connected to an individual lure and/or bait.

Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Vessel Operation in Closed Areas With Salmon on Board

a. Except as provided under C.4.b below, it is unlawful for a vessel to have troll or recreational gear in the water while in any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.

b. When Genetic Stock Identification (GSI) samples will be collected in an area closed to commercial salmon fishing, the scientific research permit holder shall notify NOAA Office of Law Enforcement, USCG, CDFW, WDFW, and Oregon State Police at least 24 hours prior to sampling and provide the following information: The vessel name, date, location and time collection activities will be done. Any vessel collecting GSI samples in a closed area shall not possess any salmon other than those from which GSI samples are being collected. Salmon caught for collection of GSI samples must be immediately released in good condition after collection of samples.

C.5. Control Zone Definitions

a. *Cape Flattery Control Zone*—The area from Cape Flattery (48°23′00″ N lat.) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava (48°10′00″ N lat.) and east of 125°05′00″ W long.

b. *Salmon Troll YRCA (50 CFR 660.70(c))*—The area in Washington Marine Catch Area 3 from 48°00.00′ N lat.; 125°14.00′ W long. to 48°02.00′ N lat.; 125°14.00′ W long. to 48°02.00′ N lat.; 125°16.50′ W long. to 48°00.00′ N lat.; 125°16.50′ W long. and connecting back to 48°00.00′ N lat.; 125°14.00′ W long.

c. *Grays Harbor Control Zone*—The area defined by a line drawn from the Westport Lighthouse (46°53′18″ N lat., 124°07′01″ W long.) to Buoy #2 (46°52′42″ N lat., 124°12′42″ W long.) to Buoy #3 (46°55′00″ N lat., 124°14′48″ W long.) to the Grays Harbor north jetty (46°55′36″ N lat., 124°10′51″ W long.).

d. *Columbia Control Zone*—An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13′35″ N lat., 124°06′50″ W long.) and the green lighted Buoy #7 (46°15′09″ N lat., 124°06′16″ W long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14′00″ N lat., 124°03′07″ W long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14′03″ N lat., 124°04′05″ W long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

e. *Klamath Control Zone*—The ocean area at the Klamath River mouth bounded on the north by 41°38′48″ N lat. (approximately 6 nautical miles north of the Klamath River mouth); on the west by 124°23′00″ W long. (approximately 12 nautical miles off shore); and on the south by 41°26′48″ N lat. (approximately 6 nautical miles south of the Klamath River mouth).

f. Waypoints for the 40 fathom regulatory line from Cape Falcon to Humbug Mountain (50 CFR 660.71(k)).

(12) 45°46.00′ N lat., 124°04.49′ W long.;
(13) 45°44.34′ N lat., 124°05.09′ W long.;
(14) 45°40.64′ N lat., 124°04.90′ W long.;
(15) 45°33.00′ N lat., 124°04.46′ W long.;
(16) 45°32.27′ N lat., 124°04.74′ W long.;
(17) 45°29.26′ N lat., 124°04.22′ W long.;
(18) 45°20.25′ N lat., 124°04.67′ W long.;
(19) 45°19.99′ N lat., 124°04.62′ W long.;
(20) 45°17.50′ N lat., 124°04.91′ W long.;
(21) 45°11.29′ N lat., 124°05.20′ W long.;
(22) 45°05.80′ N lat., 124°05.40′ W long.;
(23) 45°05.08′ N lat., 124°05.93′ W long.;
(24) 45°03.83′ N lat., 124°06.47′ W long.;
(25) 45°01.70′ N lat., 124°06.53′ W long.;
(26) 44°58.75′ N lat., 124°07.14′ W long.;
(27) 44°51.28′ N lat., 124°10.21′ W long.;
(28) 44°49.49′ N lat., 124°10.90′ W long.;
(29) 44°44.96′ N lat., 124°14.39′ W long.;

(30) 44°43.44′ N lat., 124°14.78′ W long.;
(31) 44°42.26′ N lat., 124°13.81′ W long.;
(32) 44°41.68′ N lat., 124°15.38′ W long.;
(33) 44°34.87′ N lat., 124°15.80′ W long.;
(34) 44°33.74′ N lat., 124°14.44′ W long.;
(35) 44°27.66′ N lat., 124°16.99′ W long.;
(36) 44°19.13′ N lat., 124°19.22′ W long.;
(37) 44°15.35′ N lat., 124°17.38′ W long.;
(38) 44°14.38′ N lat., 124°17.78′ W long.;
(39) 44°12.80′ N lat., 124°17.18′ W long.;
(40) 44°09.23′ N lat., 124°15.96′ W long.;
(41) 44°08.38′ N lat., 124°16.79′ W long.;
(42) 44°08.30′ N lat., 124°16.75′ W long.;
(43) 44°01.18′ N lat., 124°15.42′ W long.;
(44) 43°51.61′ N lat., 124°14.68′ W long.;
(45) 43°42.66′ N lat., 124°15.46′ W long.;
(46) 43°40.49′ N lat., 124°15.74′ W long.;
(47) 43°38.77′ N lat., 124°15.64′ W long.;
(48) 43°34.52′ N lat., 124°16.73′ W long.;
(49) 43°28.82′ N lat., 124°19.52′ W long.;
(50) 43°23.91′ N lat., 124°24.28′ W long.;
(51) 43°20.83′ N lat., 124°26.63′ W long.;
(52) 43°17.96′ N lat., 124°28.81′ W long.;
(53) 43°16.75′ N lat., 124°28.42′ W long.;
(54) 43°13.97′ N lat., 124°31.99′ W long.;
(55) 43°13.72′ N lat., 124°33.25′ W long.;
(56) 43°12.26′ N lat., 124°34.16′ W long.;
(57) 43°10.96′ N lat., 124°32.33′ W long.;
(58) 43°05.65′ N lat., 124°31.52′ W long.;
(59) 42°59.66′ N lat., 124°32.58′ W long.;
(60) 42°54.97′ N lat., 124°36.99′ W long.;
(61) 42°53.81′ N lat., 124°38.57′ W long.;
(62) 42°50.00′ N lat., 124°39.68′ W long.;
(63) 42°49.13′ N lat., 124°39.70′ W long.;
(64) 42°46.47′ N lat., 124°38.89′ W long.;
(65) 42°45.74′ N lat., 124°38.86′ W long.;
(66) 42°44.79′ N lat., 124°37.96′ W long.;
(67) 42°45.01′ N lat., 124°36.39′ W long.;
(68) 42°44.14′ N lat., 124°35.17′ W long.;
(69) 42°42.14′ N lat., 124°32.82′ W long.;
(70) 42°40.50′ N lat., 124°31.98′ W long.

C.6. Notification When Unsafe Conditions Prevent Compliance With Regulations

If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the USCG and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate number of salmon (by species) on board, the estimated time of arrival, and the specific reason the vessel is not able to meet special management area landing restrictions.

In addition to contacting the USCG, vessels fishing south of the Oregon/California border must notify CDFW within one hour of leaving the management area by calling (800) 889–8346 and providing the same information as reported to the USCG. All salmon must be offloaded within 24 hours of reaching port.

C.7. Incidental Halibut Harvest

During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license by the International Pacific Halibut Commission (IPHC) may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. When halibut are caught and landed incidental to commercial salmon fishing by an IPHC license holder, any person who is required to report the salmon landing by applicable state law must include on the state landing receipt for that landing both the number of halibut landed, and the total dressed, head-on weight of halibut landed, in pounds, as well as the number and species of salmon landed.

License applications for incidental harvest must be obtained from the IPHC (phone: 206–634–1838). Applicants must apply prior to mid-March 2019 for 2019 permits (exact date to be set by the IPHC in early 2019). Incidental harvest is authorized only during April, May, and June of the 2018 troll seasons and after June 30 in 2018 if quota remains and if announced on the NMFS hotline (phone: (800) 662–9825 or (206) 526–6667). WDFW, ODFW, and CDFW will monitor landings. If the landings are projected to exceed the IPHC's 35,620 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

May 1, 2018, until the end of the 2018 salmon troll season, and April 1–30, 2019, license holders may land or possess no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 25 halibut may be possessed or landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on). IPHC license holders must comply with all applicable IPHC regulations.

Incidental Pacific halibut catch regulations in the commercial salmon troll fishery adopted for 2018, prior to any 2018 inseason action, will be in effect when incidental Pacific halibut retention opens on April 1, 2019, unless otherwise modified by inseason action at the March 2019 Council meeting.

a. ''C-shaped'' YRCA is an area to be voluntarily avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), with the following coordinates in the order listed:

48°18′ N lat.; 125°18′ W long.;
48°18′ N lat.; 124°59′ W long.;
48°11′ N lat.; 124°59′ W long.;
48°11′ N lat.; 125°11′ W long.;
48°04′ N lat.; 125°11′ W long.;
48°04′ N lat.; 124°59′ W long.;
48°00′ N lat.; 124°59′ W long.;
48°00′ N lat.; 125°18′ W long.;
and connecting back to
48°18′ N lat.; 125°18′ W long.

C.8. Inseason Management

In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline if the transfer would not result in exceeding preseason impact expectations on any stocks.

b. Chinook remaining from the June or July non-Indian commercial troll quotas in the Oregon KMZ may be transferred to the Chinook quota for the next open quota period if the transfer would not result in exceeding preseason impact expectations on any stocks.

c. NMFS may transfer salmon between the recreational and commercial fisheries north of Cape Falcon if there is agreement among the areas' representatives on the Salmon Advisory Subpanel (SAS), and if the transfer would not result in exceeding preseason impact expectations on any stocks.

d. At the March 2019 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2018).

e. If retention of unmarked coho (adipose fin intact) is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.

f. Landing limits may be modified inseason to sustain season length and keep harvest within overall quotas.

g. Chinook remaining from the remaining May, June, and/or July non-Indian commercial troll quotas in the California KMZ may be transferred to the Chinook quota for the next open period if the transfer would not result in exceeding preseason impact expectations on any stocks.

C.9. State Waters Fisheries

Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season fisheries in state waters.

b. The State of California may establish limited fisheries in selected state waters. Check state regulations for details.

C.10. For the Purposes of California Fish and Game Code, Section 8232.5, the Definition of the KMZ for the Ocean Salmon Season Shall Be That Area From Humbug Mountain, Oregon, to Horse Mountain, California.

Section 2. Recreational Management Measures for 2018 Ocean Salmon Fisheries

Parts A, B, and C of this section contain restrictions that must be followed for lawful participation in the fishery. Part A identifies each fishing area and provides the geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special restrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions and exceptions.

A. Season Description

North of Cape Falcon, OR

—U.S./Canada border to Cape Alava (Neah Bay Subarea)

June 23 through earlier of September 3 or 4,370 marked coho subarea quota with a subarea guideline of 4,900 Chinook (C.5).

Open seven days per week. All salmon may be retained, except no chum beginning August 1; two salmon per day, no more than one of which may be a Chinook. All coho must be marked with a healed adipose fin clip (C.1). Beginning August 1, Chinook non-retention east of the Bonilla-Tatoosh line (C.4.a) during Council managed ocean fishery. See gear restrictions and definitions (C.2, C.3).

—Cape Alava to Queets River (La Push Subarea)

June 23 through earlier of September 3 or 1,090 marked coho subarea quota with a subarea guideline of 1,500 Chinook (C.5).

Open seven days per week. All salmon may be retained, two salmon per day. All coho must be marked with a healed adipose fin clip (C.1). See gear restrictions and definitions (C.2, C.3).

—Queets River to Leadbetter Point (Westport Subarea)

July 1 through earlier of September 3 or 15,540 marked coho subarea quota with a subarea guideline of 13,100 Chinook (C.5).

Open five days per week (Sunday through Thursday). All salmon may be retained; two salmon per day, no more than one of which may be a Chinook. All coho must be marked with a healed adipose fin clip (C.1). See gear restrictions and definitions (C.2, C.3). Grays Harbor Control Zone closed beginning August 13 (C.4.b).

—Leadbetter Point to Cape Falcon (Columbia River Subarea)

June 23 through earlier of September 3 or 21,000 marked coho subarea quota with a subarea guideline of 8,000 Chinook (C.5).

Open seven days per week. All salmon may be retained; two salmon per day, no more than one of which may be a Chinook. All coho must be marked with a healed adipose fin clip (C.1). See gear restrictions and definitions (C.2, C.3). Columbia Control Zone closed (C.4.c).

For all recreational fisheries north of Cape Falcon: Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).

South of Cape Falcon, OR

—Cape Falcon to Humbug Mountain.

March 15 through October 31 (C.6), except as provided below during the mark-selective coho fishery and the non-mark-selective coho fishery (C.5).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3). October 1–31: The fishery is only open shoreward of the 40 fathom management line.

In 2019, the season will open March 15 for all salmon except coho; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2018 (C.2, C.3). This opening could be modified following Council review at the March 2019 Council meeting.

—Cape Falcon to Humbug Mountain

Mark-selective coho fishery: June 30 through the earlier of September 3, or a landed catch of 35,000 marked coho (C.6). Open seven days per week. All salmon may be retained, except all retained coho must be marked with a healed adipose fin clip, two salmon per day (C.1). See minimum size limits (B). See gear restrictions and definitions (C.2, C.3, C.5.e).

Non-mark-selective coho fishery: September 7–8, and each Friday through Saturday thereafter through the earlier of September 29 or a landed catch of a 3,500 non-mark-selective coho quota (C.6). Open days may be modified inseason. All salmon may be retained, two salmon per day (C.1). See minimum size limits (B). See gear restrictions and definitions (C.2, C.3).

—Humbug Mountain to Oregon/California border (Oregon KMZ)

May 19–August 26 (C.6).

Open seven days per week. All salmon except coho may be retained, two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

For recreational fisheries from Cape Falcon to Humbug Mountain: Fishing in the Stonewall Bank YRCA restricted to trolling only on days the all depth recreational halibut fishery is open (call the halibut fishing hotline (800) 662–9825 for specific dates) (C.3.b, C.4.d).

—Oregon/California Border to Horse Mountain (California KMZ)

June 1–September 3 (C.6).

Open seven days per week. All salmon except coho may be retained, two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed in August (C.4.e). See California State regulations for additional closures adjacent to the Smith, Eel, and Klamath Rivers.

—Horse Mountain to Point Arena (Fort Bragg)

June 17–October 31 (C.6).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2019, season opens April 6 for all salmon except coho, two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B); and the same gear restrictions as in 2018 (C.2, C.3). This opening could be modified following Council review at the March 2019 Council meeting.

—Point Arena to Pigeon Point (San Francisco)

June 17–October 31 (C.6).

Open seven days per week. All salmon except coho may be retained, two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2019, season opens April 6 for all salmon except coho; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2018 (C.2, C.3). This opening could be modified following Council review at the March 2019 Council meeting.

—Pigeon Point to U.S./Mexico border (Monterey)

April 7–July 2 (C.6).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2019, season opens April 6 for all salmon except coho; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2018 (C.2, C.3). This opening could be modified following Council review at the March 2019 Council meeting.

California State regulations require all salmon be made available to a CDFW representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFW, shall immediately relinquish the head of the salmon to the state (California Code of Regulations Title 14 Section 1.73).

B. Minimum Size (Total Length in Inches) (See C.1)

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon	24.0	16.0	None.
Cape Falcon to Humbug Mountain	24.0	16.0	None.
Humbug Mt. to OR/CA border	24.0	16.0	None.
OR/CA border to Horse Mountain	20.0	.....	20.0.
Horse Mountain to Point Arena	20.0	.....	20.0.
Point Arena to Pigeon Point	20.0	.....	20.0.
Pigeon Point to U.S./Mexico border	24.0	.....	24.0.

Metric equivalents: 24.0 in = 61.0 cm, 20.0 in = 50.8 cm, and 16.0 in = 40.6 cm.

C. Requirements, Definitions, Restrictions, or Exceptions

C.1. Compliance With Minimum Size and Other Special Restrictions

All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught. Salmon may not be filleted prior to landing.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of Chinook and coho salmon for all licensed and juvenile anglers aboard have been attained (additional state restrictions may apply).

C.2. Gear Restrictions

Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. U.S./Canada border to Point Conception, California: No more than one rod may be used per angler; and no more than two single point, single shank barbless hooks are required for all fishing gear.

b. Horse Mountain, California, to Point Conception, California: Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions

a. Recreational fishing gear defined: Off Oregon and Washington, angling tackle consists of a single line that must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. Trolling defined: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Control Zone Definitions

a. The Bonilla-Tatoosh Line: A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23′30″ N lat., 124°44′12″ W long.) to the buoy adjacent to Duntze Rock (48°24′37″ N lat., 124°44′37″ W long.), then in a straight line to Bonilla Point (48°35′39″ N lat., 124°42′58″ W long.) on Vancouver Island, British Columbia.

b. Grays Harbor Control Zone—The area defined by a line drawn from the Westport Lighthouse (46°53′18″ N lat., 124°07′01″ W long.) to Buoy #2 (46°52′42″ N lat., 124°12′42″ W long.) to Buoy #3 (46°55′00″ N lat., 124°14′48″ W long.) to the Grays Harbor north jetty (46°55′36″ N lat., 124°10′51″ W long.).

c. Columbia Control Zone: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13′35″ N lat., 124°06′50″ W long.) and the green lighted Buoy #7 (46°15′09″ N lat., 124°06′16″ W long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14′00″ N lat., 124°03′07″ W long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15′48″ N lat., 124°05′20″ W long. and then along the north jetty to the point of

intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14′03″ N lat., 124°04′05″ W long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. Stonewall Bank YRCA: The area defined by the following coordinates in the order listed:

44°37.46′ N lat.; 124°24.92′ W long.
44°37.46′ N lat.; 124°23.63′ W long.
44°28.71′ N lat.; 124°21.80′ W long.
44°28.71′ N lat.; 124°24.10′ W long.
44°31.42′ N lat.; 124°25.47′ W long.
and connecting back to 44°37.46′ N lat.; 124°24.92′ W long.

e. Klamath Control Zone: The ocean area at the Klamath River mouth bounded on the north by 41°38′48″ N lat. (approximately 6 nautical miles north of the Klamath River mouth); on the west by 124°23′00″ W long. (approximately 12 nautical miles off shore); and, on the south by 41°26′48″ N lat. (approximately 6 nautical miles south of the Klamath River mouth).

f. Waypoints for the 40 fathom regulatory line from Cape Falcon to Humbug Mountain (50 CFR 660.71(k)).

(12) 45°46.00′ N lat., 124°04.49′ W long.;
(13) 45°44.34′ N lat., 124°05.09′ W long.;
(14) 45°40.64′ N lat., 124°04.90′ W long.;
(15) 45°33.00′ N lat., 124°04.46′ W long.;
(16) 45°32.27′ N lat., 124°04.74′ W long.;
(17) 45°29.26′ N lat., 124°04.22′ W long.;
(18) 45°20.25′ N lat., 124°04.67′ W long.;
(19) 45°19.99′ N lat., 124°04.62′ W long.;
(20) 45°17.50′ N lat., 124°04.91′ W long.;
(21) 45°11.29′ N lat., 124°05.20′ W long.;
(22) 45°05.80′ N lat., 124°05.40′ W long.;
(23) 45°05.08′ N lat., 124°05.93′ W long.;
(24) 45°03.83′ N lat., 124°06.47′ W long.;
(25) 45°01.70′ N lat., 124°06.53′ W long.;
(26) 44°58.75′ N lat., 124°07.14′ W long.;
(27) 44°51.28′ N lat., 124°10.21′ W long.;
(28) 44°49.49′ N lat., 124°10.90′ W long.;
(29) 44°44.96′ N lat., 124°14.39′ W long.;
(30) 44°43.44′ N lat., 124°14.78′ W long.;
(31) 44°42.26′ N lat., 124°13.81′ W long.;
(32) 44°41.68′ N lat., 124°15.38′ W long.;
(33) 44°34.87′ N lat., 124°15.80′ W long.;
(34) 44°33.74′ N lat., 124°14.44′ W long.;
(35) 44°27.66′ N lat., 124°16.99′ W long.;
(36) 44°19.13′ N lat., 124°19.22′ W long.;
(37) 44°15.35′ N lat., 124°17.38′ W long.;
(38) 44°14.38′ N lat., 124°17.78′ W long.;
(39) 44°12.80′ N lat., 124°17.18′ W long.;
(40) 44°09.23′ N lat., 124°15.96′ W long.;
(41) 44°08.38′ N lat., 124°16.79′ W long.;
(42) 44°08.30′ N lat., 124°16.75′ W long.;
(43) 44°01.18′ N lat., 124°15.42′ W long.;
(44) 43°51.61′ N lat., 124°14.68′ W long.;
(45) 43°42.66′ N lat., 124°15.46′ W long.;
(46) 43°40.49′ N lat., 124°15.74′ W long.;
(47) 43°38.77′ N lat., 124°15.64′ W long.;
(48) 43°34.52′ N lat., 124°16.73′ W long.;
(49) 43°28.82′ N lat., 124°19.52′ W long.;
(50) 43°23.91′ N lat., 124°24.28′ W long.;
(51) 43°20.83′ N lat., 124°26.63′ W long.;
(52) 43°17.96′ N lat., 124°28.81′ W long.;
(53) 43°16.75′ N lat., 124°28.42′ W long.;
(54) 43°13.97′ N lat., 124°31.99′ W long.;
(55) 43°13.72′ N lat., 124°33.25′ W long.;
(56) 43°12.26′ N lat., 124°34.16′ W long.;
(57) 43°10.96′ N lat., 124°32.33′ W long.;
(58) 43°05.65′ N lat., 124°31.52′ W long.;
(59) 42°59.66′ N lat., 124°32.58′ W long.;
(60) 42°54.97′ N lat., 124°36.99′ W long.;
(61) 42°53.81′ N lat., 124°38.57′ W long.;
(62) 42°50.00′ N lat., 124°39.68′ W long.;
(63) 42°49.13′ N lat., 124°39.70′ W long.;
(64) 42°46.47′ N lat., 124°38.89′ W long.;
(65) 42°45.74′ N lat., 124°38.86′ W long.;
(66) 42°44.79′ N lat., 124°37.96′ W long.;
(67) 42°45.01′ N lat., 124°36.39′ W long.;
(68) 42°44.14′ N lat., 124°35.17′ W long.;
(69) 42°42.14′ N lat., 124°32.82′ W long.;
(70) 42°40.50′ N lat., 124°31.98′ W long.

C.5. Inseason Management

Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Actions could include modifications to bag limits, or days open to fishing, or extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon, and if the transfer would not result in exceeding preseason impact expectations on any stocks.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon if there is agreement among the representatives of the SAS, and if the transfer would not result in exceeding preseason impact expectations on any stocks.

d. Fishery managers may consider inseason action modifying regulations restricting retention of unmarked (adipose fin intact) coho. To remain consistent with preseason expectations, any inseason action shall consider, if significant, the difference between observed and preseason forecasted (adipose-clipped) mark rates. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho.

e. Marked coho remaining from the Cape Falcon to Humbug Mountain recreational mark-selective coho quota may be transferred inseason to the Cape Falcon to Humbug Mountain non-mark-selective recreational fishery if the transfer would not result in exceeding preseason impact expectations on any stocks.

C.6. Additional Seasons in State Territorial Waters

Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

Section 3. Treaty Indian Management Measures for 2018 Ocean Salmon Fisheries

Parts A, B, and C of this section contain requirements that must be followed for lawful participation in the fishery.

A. Season Descriptions

May 1 through the earlier of June 30 or 16,000 Chinook quota.

All salmon may be retained except coho. If the Chinook quota is exceeded, the excess will be deducted from the later all-salmon season (C.5). See size limit (B) and other restrictions (C).

July 1 through the earlier of September 15, or 24,000 Chinook quota (C.5), or 12,500 coho quota.

All salmon. See size limit (B) and other restrictions (C).

B. Minimum Size (Inches)

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon	24.0	18.0	16.0	12.0	None.

Metric equivalents: 24.0 in = 61.0 cm, 18.0 in = 45.7 cm, 16.0 in = 40.6 cm, 12.0 in = 30.5 cm.

C. Requirements, Restrictions, and Exceptions

C.1. Tribe and Area Boundaries

All boundaries may be changed to include such other areas as may hereafter be authorized by a Federal court for that tribe's treaty fishery.

S'KLALLAM—Washington State Statistical Area 4B (defined to include those waters of Puget Sound easterly of a line projected from the Bonilla Point Light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River [WAC 220–301–030]).

MAKAH—Washington State Statistical Area 4B and that portion of the fishery management area (FMA) north of 48°02′15″ N lat. (Norwegian Memorial) and east of 125°44′00″ W long.

QUILEUTE—A polygon commencing at Cape Alava, located at latitude 48°10′00″ north, longitude 124°43′56.9″ west; then proceeding west approximately forty nautical miles at that latitude to a northwestern point located at latitude 48°10′00″ north, longitude 125°44′00″ west; then proceeding in a southeasterly direction mirroring the coastline at a distance no farther than 40 nmi from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at latitude 47°31′42″ north, longitude 125°20′26″ west; then proceeding east along that line of latitude to the Pacific coast shoreline at latitude 47°31′42″ north, longitude 124°21′9.0″ west (per court order dated March 5, 2018, Federal District Court for the Western District of Washington).

HOH—That portion of the FMA between 47°54′18″ N lat. (Quillayute River) and 47°21′00″ N lat. (Quinault River) and east of 125°44′00″ W long.

QUINAULT—A polygon commencing at the Pacific coast shoreline near Destruction Island, located at latitude 47°40′06″ north, longitude 124°23′51.362″ west; then proceeding west approximately 30 nmi at that latitude to a northwestern point located at latitude 47°40′06″ north, longitude 125°08′30″ west; then proceeding in a southeasterly direction mirroring the coastline no farther than 30 nmi from the mainland Pacific coast shoreline at any line of latitude southwestern point at latitude 46°53′18″ north, longitude 124°53′53″ west; then proceeding east along that line of latitude to the Pacific coast shoreline at latitude 46°53′18″ north, longitude 124°7′36.6″ west (per court order dated March 5, 2018, Federal District Court for the Western District of Washington).

C.2. Gear Restrictions

a. Single point, single shank, barbless hooks are required in all fisheries.

b. No more than eight fixed lines per boat.

c. No more than four hand held lines per person in the Makah area fishery (Washington State Statistical Area 4B and that portion of the FMA north of 48°02′15″ N lat. (Norwegian Memorial) and east of 125°44′00″ W long.).

C.3. Quotas

a. The quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 15.

b. The Quileute Tribe will continue a ceremonial and subsistence fishery during the time frame of October 1 through October 15 in the same manner as in 2004–2015. Fish taken during this fishery are to be counted against treaty troll quotas established for the 2018 season (estimated harvest during the October ceremonial and subsistence fishery: 20 Chinook; 40 coho).

C.4. Area Closures

a. The area within a six nautical mile radius of the mouths of the Queets River (47°31′42″ N lat.) and the Hoh River (47°45′12″ N lat.) will be closed to commercial fishing.

b. A closure within two nautical miles of the mouth of the Quinault River (47°21′00″ N lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

C.5. Inseason Management

In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Chinook remaining from the May through June treaty-Indian ocean troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline on a fishery impact equivalent basis.

Section 4. Halibut Retention

Under the authority of the Northern Pacific Halibut Act, NMFS promulgated regulations governing the Pacific halibut fishery, which appear at 50 CFR part 300, subpart E. On March 9, 2018, NMFS published a final rule announcing the IPHC's regulations, including season dates, management measures, and Catch Sharing Plans for the U.S. waters off of Alaska (83 FR 10390). On March 26, 2018, NMFS published an interim final rule implementing Area 2A (U.S. West Coast) catch limits (83 FR 13080) and a separate final rule approving and implementing the Area 2A Pacific halibut Catch Sharing Plan and management measures for 2018 (83 FR 13090). The Area 2A Catch Sharing Plan, in combination with the IPHC regulations, provides that vessels participating in the salmon troll fishery in Area 2A, which have obtained the appropriate IPHC license, may retain halibut caught incidentally during authorized periods in conformance with provisions published with the annual salmon management measures. A salmon troller may participate in the halibut incidental catch fishery during the salmon troll season or in the directed commercial fishery targeting halibut, but not both.

The following measures have been approved by the IPHC, and implemented by NMFS. During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches (81.28 cm) in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on.

License applications for incidental harvest must be obtained from the IPHC (phone: 206–634–1838). Applicants must apply prior to mid-March 2019 for 2019 permits (exact date to be set by the IPHC in early 2019). Incidental harvest is authorized only during April, May, and June of the 2018 troll seasons and after June 30 in 2018 if quota remains and if announced on the NMFS hotline (phone: (800) 662–9825 or (206) 526–6667). WDFW, ODFW, and CDFW will monitor landings. If the landings are projected to exceed the 35,620 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

May 1, 2018, through December 31, 2018, and April 1–30, 2019, license holders may land or possess no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 35 halibut may be possessed or landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on). IPHC license holders must comply with all applicable IPHC regulations.

Incidental Pacific halibut catch regulations in the commercial salmon troll fishery adopted for 2018, prior to any 2018 inseason action, will be in effect when incidental Pacific halibut retention opens on April 1, 2019, unless otherwise modified by inseason action at the March 2019 Council meeting.

NMFS and the Council request that salmon trollers voluntarily avoid a ''C-shaped'' YRCA (also known as the Salmon Troll YRCA) in order to protect yelloweye rockfish. Coordinates for the Salmon Troll YRCA are defined at 50 CFR 660.70(a) in the North Coast subarea (Washington marine area 3). See Section 1.C.7 in this document for the coordinates.

Section 5. Geographical Landmarks

Wherever the words ''nautical miles off shore'' are used in this document, the distance is measured from the baseline from which the territorial sea is measured.

Geographical landmarks referenced in this document are at the following locations:

Cape Flattery, WA	48°23′00″ N lat.
Cape Alava, WA	48°10′00″ N lat.
Queets River, WA	47°31′42″ N lat.
Leadbetter Point, WA ..	46°38′10″ N lat.
Cape Falcon, OR	45°46′00″ N lat.
Florence South Jetty, OR.	44°00′54″ N lat.
Humbug Mountain, OR	42°40′30″ N lat.
Oregon-California border.	42°00′00″ N lat.
Humboldt South Jetty, CA.	40°45′53″ N lat.
Horse Mountain, CA	40°05′00″ N lat.
Point Arena, CA	38°57′30″ N lat.
Point Reyes, CA	37°59′44″ N lat.
Point San Pedro, CA	37°35′40″ N lat.
Pigeon Point, CA	37°11′00″ N lat.
Point Sur, CA	36°18′00″ N lat.
Point Conception, CA ..	34°27′00″ N lat.

Section 6. Inseason Notice Procedures

Notice of inseason management actions will be provided by a telephone hotline administered by the West Coast Region, NMFS, (800) 662–9825 or (206) 526–6667, and by USCG Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 KHz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be published in the **Federal Register** as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or USCG broadcasts for current information for the area in which they are fishing.

Classification

This final rule is necessary for conservation and management of Pacific coast salmon stocks and is consistent with the MSA and other applicable law. These regulations are being promulgated under the authority of 16 U.S.C. 1855(d) and 16 U.S.C. 773(c).

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

The Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(b)(B), to waive the requirement for prior notice and opportunity for public comment, as such procedures would be impracticable and contrary to the public interest.

The annual salmon management cycle begins May 1 and continues through April 30 of the following year. May 1 was chosen because the pre-May harvests constitute a relatively small portion of the annual catch. The time frame of the preseason process for determining the annual modifications to ocean salmon fishery management measures depends on when the pertinent biological data are available. Salmon stocks are managed to meet annual spawning escapement goals or specific exploitation rates. Achieving either of these objectives requires designing management measures that are appropriate for the ocean abundance predicted for that year. These pre-season abundance forecasts, which are derived from previous years' observed spawning escapement, vary substantially from year to year, and are not available until January or February because spawning escapement continues through the fall.

The preseason planning and public review process associated with developing Council recommendations is initiated in February as soon as the forecast information becomes available. The public planning process requires coordination of management actions of four states, numerous Indian tribes, and the Federal Government, all of which have management authority over the stocks. This complex process includes the affected user groups, as well as the general public. The process is compressed into a two-month period culminating with the April Council meeting at which the Council adopts a recommendation that is forwarded to NMFS for review, approval, and implementation of fishing regulations effective on May 1.

Providing opportunity for prior notice and public comments on the Council's recommended measures through a proposed and final rulemaking process would require 30 to 60 days in addition to the two-month period required for development of the regulations. Delaying implementation of annual fishing regulations, which are based on the current stock abundance projections, for an additional 60 days would require that fishing regulations for May and June be set in the previous year, without the benefit of information regarding current stock abundance. For the 2018 fishing regulations, the current stock abundance was not available to the Council until February. Because a substantial amount of fishing occurs during May and June, managing the fishery with measures developed using the prior year's data could have significant adverse effects on the managed stocks, including ESA-listed stocks. Although salmon fisheries that open prior to May are managed under the prior year's measures, as modified by the Council at its March meeting, relatively little harvest occurs during that period (*e.g.,* on average, less than 5 percent of commercial and recreational harvest occurred prior to May 1 during the years 2001 through 2017). Allowing the much more substantial harvest levels normally associated with the May and June salmon seasons to be promulgated under the prior year's regulations would impair NMFS' ability to protect weak and ESA-listed salmon stocks, and to provide harvest opportunity where appropriate. The choice of May 1 as the beginning of the regulatory season balances the need to gather and analyze the data needed to meet the management objectives of the Salmon FMP and the need to manage the fishery using the best available scientific information.

If these measures are not in place on May 1, salmon fisheries will not open as scheduled, or would open based on 2017 management measures which do not account for 2018 abundance projections without inseason action by NMFS. This would result in lost fishing opportunity, negative economic impacts, potential harm to stocks at low abundance and ESA-listed stocks, and confusion for the public as the state fisheries adopt concurrent regulations that conform to the Federal management measures.

Overall, the annual population dynamics of the various salmon stocks require managers to adjust the season structure of the West Coast salmon fisheries to both protect weaker stocks and give fishers access to stronger salmon stocks, particularly hatchery produced fish. Failure to implement these measures immediately could compromise the status of certain stocks, or result in foregone opportunity to harvest stocks whose abundance has increased relative to the previous year

thereby undermining the purpose of this agency action.

In addition, these measures were developed with significant public input. Public comment was received and considered by the Council and NMFS throughout the process of developing these management measures. As described above, the Council took comment at its March and April meetings, and heard summaries of comments received at public meetings held between the March and April meetings in each of the coastal states. NMFS also invited comments in a notice published prior to the March Council meeting, and considered comments received by the Council through its representative on the Council.

Based upon the above-described need to have these measures effective on May 1 and the fact that there is limited time available to implement these new measures after the final Council meeting in April and before the commencement of the ocean salmon fishing year on May 1, NMFS has concluded it is impracticable and contrary to the public interest to provide an opportunity for prior notice and public comment under 5 U.S.C. 553(b)(B).

The Assistant Administrator for Fisheries also finds that good cause exists under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness of this final rule. As previously discussed, data were not available until February and management measures were not finalized until mid-April. These measures are essential to conserve threatened and endangered ocean salmon stocks as well as potentially overfished stocks, and to provide for harvest of more abundant stocks. Delaying the effectiveness of these measures by 30 days could compromise the ability of some stocks to attain their conservation objectives, preclude harvest opportunity, and negatively impact anticipated international, state, and tribal salmon fisheries, thereby undermining the purposes of this agency action and the requirements of the MSA.

To enhance the fishing industry's notification of these new measures, and to minimize the burden on the regulated community required to comply with the new regulations, NMFS is announcing the new measures over the telephone hotline used for inseason management actions and is posting the regulations on its West Coast Region website (*http://www.westcoast.fisheries.noaa.gov*). NMFS is also advising the states of Washington, Oregon, and California on the new management measures. These states announce the seasons for applicable state and Federal fisheries through their own public notification systems.

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This action contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA), and which have been approved by the Office of Management and Budget (OMB) under control number 0648–0433. The current information collection approval expires on August 30, 2020. The public reporting burden for providing notifications if landing area restrictions cannot be met is estimated to average 15 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

NMFS has current ESA biological opinions that cover fishing under these regulations on all listed salmon species. NMFS provided guidance on the impact limits for all ESA-listed salmon and steelhead species, given annual abundance projections, in our annual guidance letter to the Council dated March 6, 2018, but noted that further guidance might be provided at the April meeting that would account for the year specific circumstances. NMFS did provide an update to its guidance at the April meeting for six Puget Sound management units. The management measures for 2018 are consistent with the biological opinions. The Council's recommended management measures therefore have been determined not likely to jeopardize the continued existence of any listed salmon species which may be affected by Council fisheries. In some cases, the recommended measures are more restrictive than necessary for ESA compliance.

NMFS consulted on the effects of the ocean salmon fisheries on the ESA-listed Southern Resident killer whale (SRKW) distinct population segment in 2009. NMFS considered conservative scenarios of prey abundance, diet composition and prey selectivity to evaluate effects of fishery-related prey reduction on SRKW and considered factors such as the limited overlap of Council area fisheries and the whales. Based on that information, NMFS concluded in the 2009 opinion that the salmon fisheries were not likely to jeopardize SRKW. More recent information regarding coastal diet and selectivity of the whales indicates that the most conservative scenarios are not the most likely this upcoming season and therefore, the effects of the 2018 fisheries are consistent with the 2009 biological opinion. In addition, quotas for Chinook salmon in fisheries north of Cape Falcon in particular are reduced from those in 2017 and other recent years in order to meet management objectives. As mentioned above, impacts from the Council's recommended 2018 fisheries to ESA-listed salmonids, including Chinook salmon are consistent with the applicable opinions for those ESUs.

This final rule was developed after meaningful and collaboration with the affected tribes. The tribal representative on the Council made the motion for the regulations that apply to the tribal fisheries.

Authority: 16 U.S.C. 773–773k; 1801 *et seq.*

Dated: April 26, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–09164 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 84
Tuesday, May 1, 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 HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2017–0069]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/ALL–039 Foreign Access Management System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security is giving concurrent notice of an updated and reissued system of records pursuant to the Privacy Act of 1974 for the ''Department of Homeland Security/ALL–039 Foreign Access Management System of Records'' and this proposed rulemaking. In this proposed rulemaking, the Department proposes to exempt portions of this system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: Comments must be received on or before May 31, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0069, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- Mail: Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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

FOR FURTHER INFORMATION CONTACT: For general and privacy-related questions please contact: Philip S. Kaplan, *Privacy@hq.dhs.gov,* (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Homeland Security (DHS) is proposing to update applicable regulations to exempt portions of an updated and reissued system of records from certain provisions of the Privacy Act. Specifically, this rule exempts portions of the ''DHS/ALL–039 Foreign Access Management System of Records,'' which is being proposed concurrently with this Notice of Proposed Rulemaking elsewhere in the **Federal Register**, from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements, pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5). Furthermore, to the extent certain categories of records are ingested from other systems, the exemptions applicable to the source systems will remain in effect.

DHS is publishing the system of records notice (SORN) to update the categories of individuals and modify the routine uses. In the original SORN, the categories of individuals indicated that dual U.S. citizens and lawful permanent residents (LPR) representing foreign interests were included. The SORN is being updated to indicate that all U.S. citizens representing foreign interests are included in the categories of individuals, not just dual U.S. citizens.

The SORN provides transparency on how DHS collects, uses, maintains, and disseminates information relating to foreign nationals who seek access to DHS and partner U.S. Government (USG) agency personnel, information, facilities, programs, research, studies, and information technology (IT) systems. The DHS Office of the Chief Security Officer (OCSO)/Center for International Safety & Security (CISS) Foreign Access Management (FAM) program uses the Foreign Access Management System (FAMS) to manage the risk assessment process for foreign nationals requesting access to DHS and partner agencies. DHS is responsible for conducting screening of all foreign nationals and foreign entities seeking access to DHS personnel, information, facilities, programs, and IT systems, including: U.S. citizens and lawful permanent residents (LPR) representing foreign interests; LPRs providing construction or contractual services (*e.g.,* food services, janitorial services); and foreign contacts and foreign visitors reported by DHS and partner USG agency employees who have met and/or befriended such contacts and visitors outside the scope of the employee's official duties.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

The Privacy Act allows government agencies to exempt certain records from the access and amendment provisions. If an agency claims an exemption, however, it must issue a Notice of Proposed Rulemaking to make clear to the public the reasons why a particular exemption is claimed.

DHS is claiming exemptions from certain requirements of the Privacy Act for DHS/ALL–039 Foreign Access Management System of Records. Some information in DHS/ALL–039 Foreign Access Management System of Records relates to official DHS national security, law enforcement, immigration, intelligence activities. These

exemptions are needed to protect information relating to DHS activities from disclosure to subjects or others related to these activities. Specifically, the exemptions are required to avoid disclosure of screening techniques; to protect the identities and physical safety of confidential informants and law enforcement personnel; to ensure DHS's ability to obtain information from third parties and other sources; to protect the privacy of third parties; and to safeguard classified information. Disclosure of information to the subject of the inquiry could also permit the subject to avoid detection or apprehension.

In appropriate circumstances, when compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system and the overall law enforcement process, the applicable exemptions may be waived on a case by case basis.

A notice of system of records for DHS/ALL–039 Foreign Access Management System of Records is also published in this issue of the **Federal Register**.

List of Subjects in 6 CFR Part 5

Freedom of information, Privacy.

For the reasons stated in the preamble, DHS proposes to amend chapter I of title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. Revise the authority citation for Part 5 to read as follows:

Authority: 6 U.S.C. 101 *et seq.;* Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301.

■ 2. Amend appendix C to part 5 by adding paragraph 78:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

78. The DHS/ALL–039 Foreign Access Management System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/ALL–039 Foreign Access Management System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under; and national security and intelligence activities. The DHS/ALL–039 Foreign Access Management System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, foreign, or international government agencies.

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). When a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process. When an investigation has been completed, information on disclosures made may continue to be exempted if the fact that an investigation occurred remains sensitive after completion.

(b) From subsection (d) (Access and Amendment to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, and potential witnesses, and confidential informants.

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–09195 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2018–0379]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Yamaha Fazer R

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for an unmanned aircraft system, Yamaha Motor Corporation, U.S.A., model Fazer R. This document proposes policy for a special class of aircraft, to designate airworthiness criteria found by the FAA to provide an equivalent level of safety, for this proposed design, to existing standards.

DATES: Send comments on or before May 31, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0379 using any of the following methods:

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

■ *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Quentin Coon, AIR–692, Federal Aviation Administration, Policy & Innovation Division, Small Airplane Standards Branch, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106, telephone (816) 329–4168, facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will consider all comments received on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these airworthiness criteria based on received comments.

Background

Yamaha Motor Corporation, U.S.A. (Yamaha) applied to the FAA on April 28, 2017 for special class type certification under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Fazer R Unmanned Aircraft System (UAS). The Fazer R UAS (Fazer R) consists of the Unmanned Aircraft (UA), flight transmitter ground control station, and payload spray system. The Fazer R is a vertical take-off UAS that is of the traditional main/tail rotor helicopter design. Its intended primary use is conducting crop-spraying operations in the agricultural industry.

The aircraft and payload spray system would weigh approximately 244 lbs with full fuel and oil tanks, and be able to carry a payload of approximately 105 lbs. The main rotor is just over nine feet in diameter, and the aircraft would be just over three feet high and 12 feet long with a carbon frame. The aircraft would be powered by a fuel-injected 2-cylinder engine running on regular gasoline. The aircraft would have a ''Turn Assistance'' function that enables automatic turning to facilitate back-and-forth agricultural operations.

The proposed policy was developed in order to establish performance-based airworthiness criteria appropriate for the Yamaha Fazer R.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: The pilot is remotely located. The FAA proposes that existing airworthiness criteria, including Title 14 Code of Federal Regulations (14 CFR) parts 23 and 27, do not provide criteria appropriate to the proposed design.

The FAA proposes this aircraft is a ''special class'' under 14 CFR 21.17(b), and proposes that the following airworthiness criteria are appropriate for this aircraft and would provide an equivalent level of safety to existing airworthiness standards. These proposed airworthiness criteria differ from those in 14 CFR parts 23 and 27 due to the aircraft's design, which includes various constraints upon the aircraft's operation. These constraints include its relatively small size, lack of humans on board, and operations that would be limited to remote locations, low altitude, and visual range of a trained flight crew.

The FAA has reviewed the proposed design and assessed the potential risk to the National Aerospace System (NAS). The FAA took into consideration the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations such as where it would operate and whether it would operate out of sight of its operators. These factors allowed the FAA to estimate the kinetic energy of the proposed design when in operation, and the potential risk the aircraft could pose to other aircraft and people and property nearby. Using these types of parameters, the FAA developed airworthiness criteria appropriate for that risk to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The particular airworthiness criteria proposed by this notice were selected for the following reasons:

UAS Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the Fazer R proposed design into the NAS, the applicant would be required to submit a Concept of Operations (CONOPS). The CONOPS identifies the applicant's proposed operational concepts for this aircraft and would contain a description of the UAS and its operation.

UAS Means of Compliance: To address the risks associated with inadequate or incomplete showings of compliance to the performance-based criteria described in this notice, the proposed airworthiness criteria include a requirement that the applicant only utilize a means of compliance accepted by the FAA, in accordance with FAA Advisory Circular 23.2010–1.

UAS Operational Envelope and Limitations: In order to ensure the UAS is operated only in accordance with its type design, the applicant must define the operational envelope and proposed operational limitations. The applicant would be required to show that the UAS can be operated safely and reliably within the operational envelope and limitations, mitigating the hazards that could result from an unconstrained operating envelope.

UAS Instructions for Continued Airworthiness (ICA): To address the risks associated with degradation of the aircraft caused by age and use, and to ensure that the UAS can be maintained for safe operation, the applicant would be required to prepare Instructions for Continued Airworthiness for the UAS that are accepted by the FAA, in accordance with FAA Order 8110.54A. The proposed criteria are derived from 14 CFR parts 23 and 27, and past FAA practices, but are tailored for this proposed design.

UAS Flight Manual: To address the risks associated with improper operation of the UAS, such as flight above the approved operating altitude, at weights above maximum takeoff weight, and at speeds greater than the maximum allowed speed, the applicant would be required to provide a flight manual. The manual would be used to ensure that the flight crew operates the aircraft only within the proposed operational envelope and limitations.

UAS Flight Testing: To address the risks associated with inadequate design and integration, the applicant would be required to conduct flight testing to demonstrate adequate structure, system reliability, and proper function.

UAS Critical Parts: To ensure the continued airworthiness of the aircraft and address the risks of castrophic failure, which is a failure that causes a fatal injury or results in destruction of the UAS, the applicant would be required to identify those parts that could cause a catastrophic event upon failure. Those parts must be properly maintained to prevent a catastrophic failure.

UAS Controls: To address the risks associated with loss of control of the UAS caused by the failure or improper use of UAS controls, the applicant would be required to design controls that are adequate to safely and reliably control the UAS.

UAS Flight Termination System: To address the risks associated with uncontrolled flight and inadvertent or unsafe operation, the applicant would be required to provide a means to quickly and safely terminate the UAS flight.

UAS Engine and Engine Control System: To address the risks associated with failure or loss of control of the powerplant, the applicant would be required to design the engine and engine controls so that they are durable and reliable.

UAS Powerplant Installation: To address the risks associated with failure of the powerplant installation that includes each component necessary for propulsion or that affects propulsion safety, the applicant would be required to design the powerplant installation to ensure its continued safe operation.

UAS Systems and Equipment: To address the risks associated with the failure or malfunction of electric and mechanical systems and equipment, the applicant would be required to design and install the systems and equipment to perform safely and reliably their intended function when considered separately and in relation to other systems.

UAS Communication: To address the risks associated with loss of communication between the flight crew members and between the flight crew and the UA, the applicant would be required to provide an FAA approved means that allows for all communication necessary to safely operate the UA.

UAS Interference from External Sources: To address the risks associated with cyber threats and system failures or malfunctions, the applicant would be required to design the UAS' electronic systems and networks to protect against and minimize the effects of intentional and unintentional external interference.

UAS Interference with Other Aircraft or Obstacles: To address the risks associated with collisions with obstacles and other aircraft, the applicant would be required to use an FAA accepted means of compliance showing how the UAS will remain well clear of obstacles and other aircraft so as to avoid the risk of collision.

Operational Considerations

The following operational considerations were derived from the applicant's CONOPS, which helped drive the development of these proposed airworthiness criteria. The aircraft would:

1. Be primarily used for agricultural use to include spraying, sensing, and imaging.
2. Operate in remote or sparsely populated areas.
3. Not operate over people and occupied vehicles on roads and highways.
4. Operate at 400 feet above ground level (AGL) or lower.
5. Operate at a maximum altitude of 6,500 feet above mean sea level (MSL).
6. Be operated within Visual Line of Sight (VLOS) as defined in 14 CFR part 107.31, Visual line-of-sight aircraft operation.
7. Be operated by a minimum flight crew consisting of one pilot-in-command (PIC) and one visual observer.
8. Be operated by a flight crew that is appropriately qualified and trained.
9. Be operated by a minimum flight crew that would operate only one UAS at any time.
10. Be operated by a flight crew that has successfully completed required flight crew training.
11. Be maintained by persons who hold required FAA maintenance certificates or work according to an FAA approved maintenance program.
12. Be maintained by persons who have completed required maintenance training.
13. Be equipped with caution and alerting annunciation that is visible to the PIC and visual observer during flight.
14. Remain within Radio Line-of-Sight (RLOS) of the control station. RLOS is the straight and unobstructed path between the transmitting and receiving antennas.
15. Electronically communicate between the UA and the ground control station only within frequencies approved by the Federal Communications Commission (FCC).
16. Operate in Class G airspace unless specifically authorized by the FAA.
17. Operate subject to minimum setback distances that define how far people must be from the UA, the control station, and the operating zone when the UA is operating.
18. Operate within specific meteorological conditions that define permissible wind speeds, turbulence, visibility, outside air temperature, or other parameters as identified. The UAS would not operate in icing conditions, in accordance with 14 CFR 91.527.
19. Operate in day Visual Meteorological Conditions (VMC).

Note: A change to the CONOPS may require a change to the airworthiness criteria.

Proposed Airworthiness Criteria

The FAA proposes to establish, as a matter of policy, the following airworthiness criteria for type certification of the Yamaha Fazer R. The FAA proposes that compliance with the following would appropriately mitigate the risks associated with the proposed design and Concept of Operations (CONOPS) and would provide an equivalent level of safety to existing rules:

UAS Concept of Operations: The applicant must define and submit to the FAA a (CONOPS) proposal describing the intended UAS operation in the National Airspace System (NAS).

UAS Accepted Means of Compliance:

1. An applicant must comply with these airworthiness criteria using a means of compliance, which may include consensus standards, accepted by the FAA.
2. An applicant requesting acceptance of a means of compliance must provide the means of compliance to the FAA in a form and manner acceptable to the FAA.

UAS Operational Envelope and Limitations: The operational envelope and operational limitations must be defined:

1. The UAS must be shown to perform as intended within the defined operational envelope and operational limitations.
2. The UAS must be consistently and predictably controllable and maneuverable within the operating envelope, including:

(a) At all loading conditions for which certification is requested;

(b) During all phases of flight; and

(c) During configuration changes.

UAS Instructions for Continued Airworthiness: The applicant must prepare Instructions for Continued Airworthiness (ICA) for the UAS that are acceptable to the FAA. The ICA may

be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UAS or issuance of a standard certificate of airworthiness, whichever occurs later.

The ICA must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, structural inspection interval, and related structural inspection procedure required for type certification. If the ICA consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads ''The Airworthiness Limitations section is FAA approved and specifies maintenance conducted under §§ 43.16 and 91.403 of Title 14 of the Code of Federal Regulations unless an alternative program has been FAA approved.''

UAS Flight Manual: The applicant must provide a UAS Flight Manual with each UAS. The UAS Flight Manual must contain the following information—

(a) UAS operating limitations;

(b) UAS normal and emergency operating procedures;

(c) Performance information;

(d) Loading information; and

(e) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

UAS Flight Testing: The UAS must successfully complete at least 150 hours of flight testing to determine whether there is reasonable assurance that the UAS, its components, its equipment, and structures are adequate, reliable, and function properly. The testing must consist of:

1. At least 50 hours with the Unmanned Aircraft (UA) at 5 percent over maximum weight at critical weight, altitude, and temperature; and

2. At least 100 hours in normal operations.

UAS Critical Parts: A critical part is a part, the failure of which could have a catastrophic effect upon the UAS. If the type design includes critical parts, a critical parts list must be established.

The applicant must develop and define inspections or other procedures to prevent failures due to degradation of critical parts. Each of these inspections or procedures must be included in the Airworthiness Limitations Section of the ICA.

UAS Controls:

1. *Flight Controls:* The applicant must design the flight control systems and control station to:

(a) Operate easily, smoothly, and positively enough to allow proper performance of their functions, and

(b) Protect against likely hazards.

2. *Flight Crew Interface:* The control station must be designed to allow the flight crew to perform their duties and to perform any maneuvers within the operating envelope of the UAS, without excessive concentration, skill, alertness, or fatigue considering the intended operating conditions for the control station.

3. *Equipment:* The applicant must define and install necessary equipment so the flight crew can monitor and perform defined tasks associated with the intended functions of the systems and equipment.

4. *Flight Crew Error:* The UAS must be designed to minimize flight crew errors which could result in additional hazards.

UAS Flight Termination System:

1. There must be a means for the flight crew to quickly and safely terminate the UA flight.

2. The UAS must have a means to safely terminate the UA flight when safe operation cannot continue or be maintained.

3. There must be means to prevent inadvertent operation of the flight termination system.

UAS Engine and Engine Control System:

1. The UAS Engine and Engine Control System includes each component necessary for propulsion or which affects propulsion safety.

2. The UAS Engine and Engine Control System installation must be designed, constructed, installed, and maintained to ensure its continued safe operation within the operational envelope between normal inspections and overhauls.

3. The UAS Engine Control System including any Engine Control Unit (ECU) software or electronic hardware must be designed and developed using methods accepted by the FAA.

4. The applicant must identify the UAS Engine and Engine Control System failure modes and effects that may result in a catastrophic condition to the UAS. The applicant must mitigate each hazard to a level acceptable to the FAA.

5. The UAS Engine and Engine Control System operability, durability and reliability must be demonstrated.

UAS Powerplant Installation:

1. The powerplant installation includes each part of the UAS (other than the main and auxiliary rotor structures) that—

(a) Is necessary for propulsion;

(b) Affects the control of the major propulsive units; or

(c) Affects the safety of the major propulsive units between normal inspections or overhauls.

2. Each component of the powerplant installation must be constructed, arranged, and installed to ensure its continued safe operation between normal inspections or overhauls for the range of temperature and altitude for which approval is requested.

UAS Systems and Equipment: This requirement applies to the UAS unless another requirement has been imposed for a specific piece of equipment, system, or systems. The UAS systems and equipment, including any software or electronic hardware, must be designed and developed using methods accepted by the FAA.

1. The systems and equipment required for a UAS to operate safely in the kinds of operations for which certification is requested must be designed and installed to perform their intended function throughout the operating and environmental limits for which the UAS is certificated.

2. All systems and equipment not covered by paragraph 1 of this section, considered separately and in relation to other systems, must be designed and installed so their operation or failure, does not have an adverse effect on the UAS.

UAS Communication:

1. The applicant must define the type, methods, and operational limits of communication, including the mitigation of any hazard created by any loss of communication between the flight crew and between the flight crew and the UAS.

2. A means must be provided to allow for all communication necessary to safely operate the UA.

UAS Interference from External Sources: The design must minimize the risks associated with interference to UAS electronic systems and networks from external sources.

UAS Interference with Other Aircraft or Obstacles: The UAS must have a means to remain well clear of obstacles and other aircraft for its intended operation and airspace to avoid the risk of collision.

Note: The FAA may propose amending this airworthiness criteria, or propose additional operational criteria, prior to approval of the type design.

Issued in Kansas City, Missouri, on April 23, 2018.

Pat Mullen,

Manager, Small Airplane Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–09102 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0194]

RIN 1625–AA11

Safety Zone; Philippine Sea, Tinian

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters off of Chulu and Babui beaches in Tinian. The Coast Guard believes this safety zone is necessary to protect all divers participating in this underwater military exercise from potential safety hazards associated with vessel traffic in the area. This proposed rulemaking would prohibit persons and vessels not involved in the exercise from being in the safety zone unless authorized by the Captain of the Port Guam (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 31, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0194 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Todd Wheeler, Sector Guam Waterways Management Division, U.S. Coast Guard; telephone 671–355–4866, email *WWMGuam@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The purpose of this rulemaking is to ensure the safety of divers in the water during an underwater military exercise in support of the biennial Exercise Valiant Shield from 6 p.m. on September 10, 2018 to 6 a.m. on September 11, 2018. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 6 p.m. on September 10, 2018 to 6 a.m. on September 11, 2018. The safety zone would cover all navigable waters two miles off Chulu and Babui beaches in Tinian. This safety zone is necessary to protect all divers participating in this underwater military exercise from potential safety hazards associated with vessel traffic in the area. This proposed rulemaking would prohibit persons and vessels not involved in the exercise from being in the safety zone unless authorized by the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or

more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone vessel traffic would be able to safely transit around. Normally such actions are categorically excluded from further review under paragraph L[37] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice*.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0194 to read as follows:

§ 165.T14–0194 Safety Zone; Philippine Sea, Tinian.

(a) *Location.* The following area is a safety zone: All waters off of Chulu and Babui Beach, Tinian, from surface to bottom, encompassed by a line connecting the following points beginning at 15°04′09″ N, 145°36′44″ E, thence to 15°04′48″ N, 145°35′42″ E, thence to 15°05′09″ N, 145°36′08″ E, thence to 15°04′48″ N, 145°37′23″ E, and along the shore line back to the beginning point. These coordinates are based on NAD 1983.

(b) *Regulations.* (1) The general regulations governing safety zones contained in 33 CFR 165.23 apply. This proposed rulemaking would prohibit persons and vessels not involved in the exercise from being in the safety zone unless authorized by the Captain of the Port (COTP) Guam or a designated representative.

(2) To seek permission to enter, contact the COTP Guam or the COTP's representative by VHF channel 16 or by telephone at 671–355–4821. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period.* This section will be enforced from 6 p.m. on September 10, 2018 to 6 a.m. on September 11, 2018.

Dated: April 6, 2018.

Christopher M. Chase,

Captain, U.S. Coast Guard, Captain of the Port Guam.

[FR Doc. 2018–09188 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA–HQ–OAR–2017–0175; FRL–9977–28–OAR]

RIN 2060–AT52

Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise the regulatory definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). This action proposes to add *cis*-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz–Z; CAS number 692–49–9) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O_3) formation.

DATES: Written comments must be received on or before July 2, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0175, at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Souad Benromdhane, Office of Air Quality Planning and Standards, Health and Environmental Impacts Division, Mail Code C539–07, Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: (919) 541–4359; fax number: (919) 541–5315; email address: *benromdhane.souad@epa.gov*.

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2017–0175. All documents in the docket are listed in the *Regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2017–0175. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/dockets*.

Table of Contents

I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed rule include, but are not necessarily limited to, the following: State and local air pollution control agencies that adopt and implement regulations to control air emissions of VOC; and industries manufacturing and/or using HFO–1336mzz–Z for use in polyurethane rigid insulating foams, and refrigeration and air conditioning. Potential entities that may be affected by this action include:

TABLE 1—POTENTIALLY AFFECTED ENTITIES BY NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODE

Category	NAICS code	Description of regulated entities
Industry	326140	Polystyrene Foam Product Manufacturing.
Industry	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing.
Industry	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.

TABLE 1—POTENTIALLY AFFECTED ENTITIES BY NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODE—Continued

Category	NAICS code	Description of regulated entities
Industry	3363	Motor Vehicle Parts Manufacturing.
Industry	336611	Ship Building and Repairing.
Industry	336612	Boat Building.
Industry	339999	All other Miscellaneous Manufacturing.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that might be affected by this deregulatory action. This table lists the types of entities that the EPA is now aware of that could potentially be affected to some extent by this action. Other types of entities not listed in the table could also be affected to some extent. To determine whether your entity is directly or indirectly affected by this action, you should consult your state or local air pollution control and/or air quality management agencies.

B. What should I consider as I prepare my comments for the EPA?

Submitting CBI. Do not submit information containing CBI to the EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI for inclusion in the public docket. If you submit a CD–ROM or disk that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2017–0175.

II. Background

A. The EPA's VOC Exemption Policy

Tropospheric O_3, commonly known as smog, is formed when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of O_3, the EPA and state governments limit the amount of VOC that can be released into the atmosphere. Volatile organic compounds form O_3 through atmospheric photochemical reactions, and different VOC have different levels of reactivity. That is, different VOC do not react to form O_3 at the same speed or do not form O_3 to the same extent. Some VOC react slowly or form less O_3; therefore, changes in their emissions have limited effects on local or regional O_3 pollution episodes. It has been the EPA's policy since 1971 that certain organic compounds with a negligible level of reactivity should be excluded from the regulatory definition of VOC in order to focus VOC control efforts on compounds that significantly affect O_3 concentrations. The EPA also believes that exempting such compounds creates an incentive for industry to use negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOC. The EPA lists compounds that it has determined to be negligibly reactive in its regulations as being excluded from the regulatory definition of VOC (40 CFR 51.100(s)).

The CAA requires the regulation of VOC for various purposes. Section 302(s) of the CAA specifies that the EPA has the authority to define the meaning of ''VOC'' and, hence, what compounds shall be treated as VOC for regulatory purposes. The policy of excluding negligibly reactive compounds from the regulatory definition of VOC was first laid out in the ''Recommended Policy on Control of Volatile Organic Compounds'' (42 FR 35314, July 8, 1977) (from here forward referred to as the 1977 Recommended Policy) and was supplemented subsequently with the ''Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans'' (70 FR 54046, September 13, 2005) (from here forward referred to as the 2005 Interim Guidance). The EPA uses the reactivity of ethane as the threshold for determining whether a compound has negligible reactivity. Compounds that are less reactive than, or equally reactive to, ethane under certain assumed conditions may be deemed negligibly reactive and, therefore, suitable for exemption from the regulatory definition of VOC. Compounds that are more reactive than ethane continue to be considered VOC for regulatory purposes and, therefore, are subject to control requirements. The selection of ethane as the threshold compound was based on a series of smog chamber experiments that underlay the 1977 Recommended Policy.

The EPA has used three different metrics to compare the reactivity of a specific compound to that of ethane: (i) The rate constant for reaction with the hydroxyl radical (OH) (known as k_{OH}); (ii) the maximum incremental reactivity (MIR) on a reactivity per unit mass basis; and (iii) the MIR expressed on a reactivity per mole basis. Differences between these three metrics are discussed below.

The k_{OH} is the rate constant of the reaction of the compound with the OH radical in the air. This reaction is often, but not always, the first and rate-limiting step in a series of chemical reactions by which a compound breaks down in the air and contributes to O_3 formation. If this step is slow, the compound will likely not form O_3 at a very fast rate. The k_{OH} values have long been used by the EPA as metrics of photochemical reactivity and O_3-forming activity, and they were the basis for most of the EPA's early exemptions of negligibly reactive compounds from the regulatory definition of VOC. The k_{OH} metric is inherently a molar-based comparison, *i.e.,* it measures the rate at which molecules react.

The MIR, both by mole and by mass, is a more updated metric of photochemical reactivity derived from a computer-based photochemical model, and it has been used as a metric of reactivity since 1995. This metric considers the complete O_3-forming activity of a compound over multiple hours and through multiple reaction pathways, not merely the first reaction step with OH. Further explanation of

the MIR metric can be found in Carter (1994).

The EPA has considered the choice between MIRs with a molar or mass basis for the comparison to ethane in past rulemakings and guidance. In the 2005 Interim Guidance, the EPA stated:

> [A] comparison to ethane on a mass basis strikes the right balance between a threshold that is low enough to capture compounds that significantly affect ozone concentrations and a threshold that is high enough to exempt some compounds that may usefully substitute for more highly reactive compounds.
>
> When reviewing compounds that have been suggested for VOC-exempt status, EPA will continue to compare them to ethane using k_{OH} expressed on a molar basis and MIR values expressed on a mass basis.

The 2005 Interim Guidance notes that the EPA will consider a compound to be negligibly reactive if it is equal to or less reactive than ethane based on either k_{OH} expressed on a molar basis *or* MIR values expressed on a mass basis.

The molar comparison of MIR is more consistent with the original smog chamber experiments, which compared equal molar concentrations of individual VOCs, supporting the selection of ethane as the threshold, while the mass-based comparison of MIR is consistent with how MIR values and other reactivity metrics are applied in reactivity-based emission limits. It is, however, important to note that the mass-based comparison is slightly less restrictive than the molar-based comparison in that a few more compounds would qualify as negligibly reactive.

Given the two goals of the exemption policy articulated in the 2005 Interim Guidance, the Agency believes that ethane continues to be an appropriate threshold for defining negligible reactivity. And, to encourage the use of environmentally beneficial substitutions, the EPA believes that a comparison to ethane on a mass basis strikes the right balance between a threshold that is low enough to capture compounds that significantly affect ozone concentrations and a threshold that is high enough to exempt some compounds that may usefully substitute for more highly reactive compounds.

The 2005 Interim Guidance also noted that concerns have sometimes been raised about the potential impact of a VOC exemption on environmental endpoints other than O_3 concentrations, including fine particle formation, air toxics exposures, stratospheric O_3 depletion, and climate change. The EPA has recognized, however, that there are existing regulatory or non-regulatory programs that are specifically designed to address these issues, and the EPA continues to believe in general that the impacts of VOC exemptions on environmental endpoints other than O_3 formation can be adequately addressed by these programs. The VOC exemption policy is intended to facilitate attainment of the O_3 National Ambient Air Quality Standards (NAAQS) and VOC exemption decisions will continue to be based primarily on consideration of a compound's contribution to O_3 formation. However, if the EPA determines that a particular VOC exemption is likely to result in a significant increase in the use of a compound and that the increased use would pose a significant risk to human health or the environment that would not be addressed adequately by existing programs or policies, then the EPA may exercise its judgment accordingly in deciding whether to grant an exemption.

B. Petition To List HFO–1336mzz–Z as an Exempt Compound

DuPont Chemicals & Fluoroproducts (DuPont) submitted a petition to the EPA on February 14, 2014, requesting that *cis*-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z; CAS number 692–49–9) be exempted from the regulatory definition of VOC. The petition was based on the argument that HFO–1336mzz–Z has low reactivity relative to ethane. The petitioner indicated that HFO–1336mzz–Z may be used in a variety of applications as a replacement for foam expansion or blowing agents with higher global warming potential (GWP) (>700 GWP) for use in polyurethane rigid insulating foams, among others. It is also a new developmental refrigerant as a potential working fluid for Organic Rankine Cycles (ORC).[1]

To support its petition, DuPont referenced several documents, including one peer-reviewed journal article on HFO–1336mzz–Z reaction rates (Baasandorj, M. *et al.,* 2011). DuPont also provided a supplemental technical report on the MIR of HFO–1336mzz–Z (Carter, 2011a). Per this report, the MIR of HFO–1336mzz–Z is 0.04 gram (g) O_3/g HFO–1336mzz–Z on the mass-based MIR scale. This reactivity rate is 86 percent lower than that of ethane (0.28 g O_3/g ethane). The reactivity rate k_{OH} for the gas-phase reaction of OH radicals with HFO–1336mzz–Z (k_{OH}) has been measured to be 4.91×10^{-13} centimeter (cm)^3/molecule-seconds at ~296 degrees Kelvin (K) (Pitts *et al.,* 1983, Baasandorj *et al.,* 2011). This k_{OH} rate is twice as high as that of ethane (k_{OH} of ethane = 2.4×10^{-13} cm^3/molecule-sec at ~298 K) and, therefore, suggests that HFO–1336mzz–Z is twice as reactive as ethane. In most cases, chemicals with high k_{OH} values also have high MIR values, but for HFO–1336mzz–Z, the products that are formed are expected to be mostly smaller perfluorinated compounds, which are not reactive in the atmosphere and do not form ozone (Baasandorj *et al.,* 2011). Based on the current scientific understanding of tetrafluoroalkene reactions in the atmosphere, it is unlikely that the actual O_3 impact on a mass basis would equal or exceed that of ethane in the scenarios used to calculate VOC reactivity (Baasandorj *et al.,* 2011; Carter, 2011a).

To address the potential for stratospheric O_3 impacts, the petitioner contended that, because the atmospheric lifetime of HFO–1336mzz–Z due to loss by OH reaction was estimated to be ~20 days and it does not contain chlorine or bromine, it is not expected to contribute to the depletion of the stratospheric O_3 layer.

III. The EPA's Assessment of the Petition

The EPA is responding to the petition by proposing to exempt HFO–1336mzz–Z from the regulatory definition of VOC. This action is based on consideration of the compound's low contribution to tropospheric O_3 and the low likelihood of risk to human health or the environment, including stratospheric O_3 depletion, toxicity, and climate change. Additional information on these topics is provided in the following sections.

A. Contribution to Tropospheric Ozone Formation

As noted in studies cited by the petitioner, HFO–1336mzz–Z has a MIR value of 0.04 g O_3/g VOC for ''averaged conditions,'' versus 0.28 g O_3/g VOC for ethane (Carter, 2011). Therefore, the EPA considers HFO–1336mzz–Z to be negligibly reactive and eligible for VOC-exempt status in accordance with the Agency's long-standing policy that compounds should so qualify where either reactivity metric (k_{OH} expressed on a molar basis or MIR expressed on a mass basis) indicates that the compound is less reactive than ethane. While the overall atmospheric reactivity of HFO–1336mzz–Z was not studied in an experimental smog chamber, the chemical mechanism derived from other chamber studies (Carter, 2011) was used to model the complete formation of O_3

[1] Konstantinos Kontomaris, 2014, HFO–1336mzz–Z High Temperature Chemical Stability and Use as a Working Fluid in Organic Rankine Cycles. International Refrigeration and Air Conditioning Conference. Perdue University: *https://www.chemours.com/Refrigerants/en_US/products/Opteon/Stationary_Refrigeration/assets/downloads/2014_Purdue-Paper-Opteon-MZ.pdf.*

for an entire single day under realistic atmospheric conditions (Carter, 2011a). Therefore, the EPA believes that the MIR value calculated in the Carter study submitted by the petitioner is reliable.

Table 2 presents three reactivity metrics for HFO–1336mzz–Z as they compare to ethane.

TABLE 2—REACTIVITIES OF ETHANE AND HFO–1336MZZ–Z

Compound	k_{OH} (cm^3/molecule-sec)	Maximum incremental reactivity (MIR) (g O_3/mole VOC)	Maximum incremental reactivity (MIR) (g O_3/g VOC)
Ethane	2.4×10^{-13}	8.4	0.28
HFO–1336mzz–Z	4.91×10^{-13}	6.6	0.04

Notes:
1. k_{OH} value at 298 K for ethane is from Atkinson *et al.,* 2006 (page 3626).
2. k_{OH} value at 296 K for HFO–1336mzz–Z is from Baasandorj, 2011.
3. Mass-based MIR value (g O_3/g VOC) of ethane is from Carter, 2011.
4. Mass-based MIR value (g O_3/g VOC) of HFO–1336mzz–Z is from a supplemental report by Carter, 2011a.
5. Molar-based MIR (g O_3/mole VOC) values were calculated from the mass-based MIR (g O_3/g VOC) values using the number of moles per gram of the relevant organic compound.

The reaction rate of HFO–1336mzz–Z with the OH radical (k_{OH}) has been measured to be 4.91×10^{-13} cm^3/molecule-sec (Baasandorj *et al.,* 2011); other reactions with O_3 and the nitrate radical were negligibly small. The corresponding reaction rate of ethane with OH is 2.4×10^{-13} cm^3/molecule-sec (Atkinson *et al.,* 2006). The data in Table 2 show that HFO–1336mzz–Z has a slightly higher k_{OH} value than ethane, meaning that it initially reacts faster in the atmosphere than ethane. However, a molecule of HFO–1336mzz–Z is less reactive than a molecule of ethane in terms of complete O_3-forming activity as shown by the molar-based MIR (g O_3/mole VOC) values. Additionally, one gram of HFO–1336mzz–Z has a lower capacity than one gram of ethane to form O_3. Thus, following the 2005 Interim Guidance, HFO–1336mzz–Z is eligible to be exempted from the regulatory definition of VOC based on both the molar- and mass-based MIR.

B. Potential Impacts on Other Environmental Endpoints

The EPA's proposed decision to exempt HFO–1336mzz–Z from the regulatory definition of VOC is based on our findings above. However, as noted in the 2005 Interim Guidance, the EPA reserves the right to exercise its judgment in certain cases where an exemption is likely to result in a significant increase in the use of a compound and a subsequent significantly increased risk to human health or the environment. In this case, the EPA is proposing to find that exemption of HFO–1336mzz–Z would not result in an increase of risk to human health or the environment, with regard to stratospheric O_3 depletion, toxicity and climate change. Additional information on these topics is provided in the following sections.

1. Contribution to Stratospheric Ozone Depletion

HFO–1336mzz–Z is unlikely to contribute to the depletion of the stratospheric O_3 layer. The O_3 depletion potential (ODP) of HFO–1336mzz–Z is expected to be negligible based on several lines of evidence: The absence of chlorine or bromine in the compound and the atmospheric reactions described in Carter (2008). Because HFO–1336mzz–Z has a k_{OH} value that is twice as high as that of ethane (see section III.A ''Contribution to Tropospheric Ozone Formation''), it will decay before it has a chance to reach the stratosphere and, thus, will not participate in O_3 destruction.

2. The Significant New Alternatives Policy (SNAP) Program Acceptability Findings

The SNAP program is the EPA's program to evaluate and regulate substitutes for end-uses historically using ozone-depleting chemicals. Under section 612(c) of the CAA, the EPA is required to identify and publish lists of acceptable and unacceptable substitutes for class I or class II ozone-depleting substances. Per the SNAP program findings, the ODP of HFO–1336mzz–Z is zero. The SNAP program has listed HFO–1336mzz–Z as an acceptable substitute for a number of foam blowing end-uses provided in 79 FR 62863, October 21, 2014 (USEPA, 2014), and as an acceptable substitute in the refrigeration and air conditioning sector in heat transfer, as well as in chillers and industrial process air conditioning provided in 81 FR 32241, May 23, 2016 (USEPA, 2016).

3. Toxicity

Based on screening assessments of the health and environmental risks of HFO–1336mzz–Z, the SNAP program anticipated that users will be able to use the compound without significantly greater health risks than presented by use of other available substitutes for the same uses (USEPA, 2014, 2016).

The EPA anticipates that HFO–1336mzz–Z will be used consistent with the recommendations specified in the manufacturer's safety data sheet (SDS) (DuPont, 2011). According to the SDS, potential health effects from inhalation of HFO–1336mzz–Z include skin or eye irritation or frostbite. Exposure to high concentrations of HFO–1336mzz–Z from misuse or intentional inhalation abuse may cause irregular heartbeat. In addition, HFO–1336mzz–Z could cause asphyxiation if air is displaced by vapors in a confined space. The Workplace Environmental Exposure Limit (WEEL) committee of the Occupational Alliance for Risk Science (OARS) reviewed available animal toxicity data and recommends a WEEL for the workplace of 500 parts per million (ppm) (3350 mg/m^3) time-weighted average (TWA) for an 8-hour workday (OARS, 2014). This WEEL was derived based on reduced male body weight in the 13-week rat inhalation toxicity study (Dupont, 2011). The WEEL is also protective against skeletal fluorosis, which may occur at higher exposures because of metabolism. The EPA anticipates that users will be able to meet the WEEL and address potential health risks by following requirements and recommendations in the SDS and other safety precautions common to the refrigeration and air conditioning industry.

HFO–1336mzz–Z is not regulated as a hazardous air pollutant (HAP) under

title I of the CAA. Also, it is not listed as a toxic chemical under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

The Toxic Substances Control Act (TSCA) gives the EPA authority to assess and prevent potential unreasonable risks to human health and the environment before a new chemical substance is introduced into commerce. Section 5 of TSCA requires manufacturers and importers to notify the EPA before manufacturing or importing a new chemical substance by submitting a Premanufacture Notice (PMN) prior to the manufacture (including import) of the chemical. Under the TSCA New Chemicals Program, the EPA then assesses whether an unreasonable risk may, or will, be presented by the expected manufacturing, processing, distribution in commerce, use, and disposal of the new substance. The EPA has determined, however, that domestic manufacturing, use in non-industrial products, or use other than as described in the PMN may cause serious chronic health effects. To mitigate risks identified during the PMN review of HFO–1336mzz–Z, the EPA issued a Significant New Use Rule (SNUR) under TSCA on June 5, 2015, to require persons to submit a Significant New Use Notice to the EPA at least 90 days before they manufacture or process HFO–1336mzz–Z for uses other than those described in the PMN (80 FR 32003, 32005, June 5, 2015). The required notification will provide the EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. The EPA, therefore, believes that existing programs address the risk of toxicity associated with the use of HFO–1336mzz–Z.

4. Contribution to Climate Change

The Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report (IPCC AR5) estimated the lifetime of HFO–1336mzz–Z to be approximately 22 days (Baasandorj *et al.,* 2011), and the gas-phase degradation of HFO–1336–mzz–Z is not expected to lead to a significant formation of atmospherically long-lived species. The radiative efficiency of HFO–1336–mzz–Z was calculated to be 0.38 watts per square meter at the earth's surface per part per billion concentration of the material ($W\ m^{-2}\ ppb^{-1}$) based on Baasandorj *et al.,* 2011. The report estimated the resulting 100-year GWP to be 9, meaning that, over a 100-year period, one ton of HFO–1336mzz–Z traps 9 times as much warming energy as one ton of carbon dioxide (CO_2) (IPCC, 2013). HFO–1336mzz–Z's GWP of 9 is lower than those of some of the substitutes in a variety of foam blowing end-uses and in centrifugal and positive displacement chillers, heat transfer, and industrial process air conditioning. HFO–1336mzz–Z was developed to replace other chemicals used for similar end-uses with GWP ranging from 725 to 5,750 such as CFC–11, CFC–113, HCFC–141b and HCFC–22. The petitioner claims that HFO–1336mzz–Z is a better alternative to other substitutes in foam expansion or blowing agents for use in polyurethane rigid insulating foams. Thermal test data and energy efficiency trials indicate that HFO–1336mzz–Z will provide superior insulating value and, thus, reduces climate change impacts both directly by its low GWP and indirectly by decreasing energy consumption throughout the lifecycle of insulated foams in appliances, buildings, refrigerated storage and transportation.

C. Conclusions

The EPA finds that HFO–1336mzz–Z is negligibly reactive with respect to its contribution to tropospheric O_3 formation and, thus, may be exempted from the EPA's definition of VOC in 40 CFR 51.100(s). HFO–1336mzz–Z has been listed as acceptable for use in several industrial and commercial refrigeration and air conditioning end-uses, as well as for use as a blowing agent under the SNAP program (USEPA, 2014, 2016). The EPA has also determined that exemption of HFO–1336mzz–Z from the regulatory definition of VOC will not result in an increase of risk to human health and the environment, and, to the extent that use of this compound does have impacts on other environmental endpoints, those impacts are adequately managed by existing programs. For example, HFO–1336mzz–Z has a similar or lower stratospheric O_3 depletion potential than available substitutes in those end-uses, and the toxicity risk from using HFO–1336mzz–Z is not significantly greater than the risk from using other available alternatives for the same uses. The EPA has concluded that non-tropospheric O_3-related risks associated with potential increased use of HFO–1336mzz–Z are adequately managed by SNAP. The EPA does not expect significant use of HFO–1336mzz–Z in applications not covered by the SNAP program. To the extent that the compound is used in other applications not already reviewed under SNAP or under the New Chemicals Program under TSCA, the SNUR in place under TSCA requires that any significant new use of a chemical be reported to the EPA using a Significant New Use Notice (SNUN). Any significant new use of HFO–1336mzz–Z would, thus, need to be evaluated by the EPA, and the EPA will continually review the availability of acceptable substitute chemicals under the SNAP program.

IV. Proposed Rule

The EPA is responding to the petition by proposing to revise its regulatory definition of VOC at 40 CFR 51.100(s) to add HFO–1336mzz–Z to the list of compounds that are exempt from the regulatory definition of VOC because it is less reactive than ethane based on a comparison of mass-based MIR, and molar-based MIR metrics and is, therefore, considered negligibly reactive. If finalized, then for an entity which uses or produces any of this compound and is subject to EPA regulations limiting the use of VOC in a product, limiting the VOC emissions from a facility, or otherwise controlling the use of VOC for purposes related to attaining the O_3 NAAQS, this compound will not be counted as a VOC in determining whether these regulatory obligations have been met. Also if finalized, this action would affect whether this compound is considered a VOC for state regulatory purposes to reduce O_3 formation, if a state relies on the EPA's regulatory definition of VOC. States are not obligated to exclude from control as a VOC those compounds that the EPA has found to be negligibly reactive. However, no state may take credit for controlling this compound in its O_3 control strategy. Consequently, reductions in emissions for this compound will not be considered or counted in determining whether states have met the rate of progress requirements for VOC in State Implementation Plans (SIPs) or in demonstrating attainment of the O_3 NAAQS.

V. Statutory and Executive Order Reviews

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 expected to be an Executive Order 13771 deregulatory

action. This proposed rule is expected to provide meaningful burden reduction by exempting HFO–1336mzz–Z from the VOC regulatory definition and relieving manufacturers, distributers, and users from recordkeeping or reporting requirements. This action is voluntary in nature and has non-quantifiable cost savings given unpredictability in who or how much of it will be used.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. It does not contain any recordkeeping or reporting 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, if finalized, removes HFO–1336mzz–Z from the regulatory definition of VOC and, thereby, would relieve manufacturers, distributers, and users of the compound from tropospheric ozone requirements to control emissions of the compound.

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 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 proposes to remove HFO–1336mzz–Z from the regulatory definition of VOC and, if finalized, would relieve manufacturers, distributers and users from tropospheric ozone requirements to control emissions of the compound. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045, because it is not economically significant as defined in Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. Since HFO–1336mzz–Z is utilized in specific industrial applications where children are not present and dissipates quickly (*e.g.,* lifetime of 22 days) with short-lived end products, there is no exposure or disproportionate risk to children. This action proposes to remove HFO–1336mzz–Z from the regulatory definition of VOC and, if finalized, would relieve manufacturers, distributers and users from tropospheric ozone requirements to control emissions of the compound.

I. Executive Order 13211: Actions Concerning Regulations 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)

This 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 does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action proposes to remove HFO–1336mzz–Z from the regulatory definition of VOC and, if finalized, would relieve manufacturers, distributers, and users of the compound from tropospheric ozone requirements to control emissions of the compound.

L. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by EPA. This section provides, in part, that petitions for review must be filed in the Courts of Appeals for the District of Columbia Circuit if (i) the agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The EPA proposes to find that any final action related to this rulemaking is ''nationally applicable'' or of ''nationwide scope and effect'' within the meaning of CAA section 307(b)(1). Through this rulemaking action, the EPA interprets section 302 of the CAA, a provision which has nationwide applicability. The EPA's proposed change to the regulatory definition of VOC would affect implementation plans and national regulatory programs implicating this pollutant. For this reason, the Administrator proposes to determine that any final action related to the proposed rule is of nationwide scope and effect for purposes of CAA section 307(b)(1). Thus, pursuant to CAA section 307(b) any petitions for review of any final actions regarding the rulemaking would be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date of any final action published in the **Federal Register**.

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List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 23, 2018.

E. Scott Pruitt,

Administrator.

For reasons set forth in the preamble, EPA proposes to amend part 51 of chapter I of title 40 of the Code of Federal Regulations as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 3 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart F—Procedural Requirements

■ 2. Section 51.100 is amended by revising paragraph (s)(1) introductory text to read as follows:

§ 51.100 Definitions.

* * * * *

(s)(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113); trichlorofluoromethane (CFC–11); dichlorodifluoromethane (CFC–12); chlorodifluoromethane (HCFC–22); trifluoromethane (HFC–23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC–114); chloropentafluoroethane (CFC–115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC–123); 1,1,1,2-tetrafluoroethane (HFC–134a); 1,1-dichloro 1-fluoroethane (HCFC–141b); 1-chloro 1,1-difluoroethane (HCFC–142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC–124); pentafluoroethane (HFC–125); 1,1,2,2-tetrafluoroethane (HFC–134); 1,1,1-trifluoroethane (HFC–143a); 1,1-difluoroethane (HFC–152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC–225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC–225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43–10mee); difluoromethane (HFC–32); ethylfluoride (HFC–161); 1,1,1,3,3,3-hexafluoropropane (HFC–236fa); 1,1,2,2,3-pentafluoropropane (HFC–245ca); 1,1,2,3,3–pentafluoropropane (HFC–245ea); 1,1,1,2,3-pentafluoropropane (HFC–245eb); 1,1,1,3,3–pentafluoropropane (HFC–245fa); 1,1,1,2,3,3-hexafluoropropane (HFC–236ea); 1,1,1,3,3-pentafluorobutane (HFC–365mfc); chlorofluoromethane (HCFC–31); 1 chloro-1-fluoroethane (HCFC–151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC–123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE–7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE–7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE–7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE–7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE–7300); propylene carbonate; dimethyl carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE–134); $HCF_2OCF_2OCF_2H$ (HFE–236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE–338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane; *cis*-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z); and perfluorocarbon compounds which fall into these classes:

* * * * *

[FR Doc. 2018–09079 Filed 4–30–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket Nos. 18–92 and 17–105; FCC 18–47]

Channel Lineup Requirements—Modernization of Media Regulation Initiative

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) proposes to eliminate the requirement that cable operators maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers. In addition, the Commission invites comment on whether we should also eliminate the requirement that certain cable operators make their channel lineup available via their online public inspection file. In response to a Public Notice launching the Commission's Modernization of Media Regulation Initiative, commenters asked the Commission to consider eliminating both of these requirements because channel lineup

information is available from other sources and the requirements are therefore unnecessary. With this proceeding, the Commission continues its efforts to modernize its rules and eliminate outdated and unnecessary regulatory burdens that can impede competition and innovation in the media marketplace.

DATES: Comments may be filed on or before May 31, 2018, and reply comments may be filed on or before June 15, 2018.

ADDRESSES: Interested parties may submit comments and reply comments, identified by MB Docket Nos. 18–92 and 17–105, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Federal Communications Commission's website: http://fjallfoss.fcc.gov/ecfs2/*. Follow the instructions for submitting comments.
- *Mail:* 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.
- *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: (202) 418–0432.

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: Kim Matthews, Media Bureau, Policy Division, 202–418–2154, or email at *kim.matthews@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, MB Docket Nos. 18–92 and 17–105; FCC 18–47, adopted and released on April 17, 2018. 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 may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/*. 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 Notice of Proposed Rulemaking (NPRM), we propose to eliminate the requirement in § 76.1705 of the Commission's rules that cable operators maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers. We tentatively conclude that this requirement is unnecessary and outdated. In addition, we invite comment on whether we should also eliminate the requirement in § 76.1700(a)(4) that certain cable operators make their channel lineup available via their online public inspection file. In response to a Public Notice launching the Commission's Modernization of Media Regulation Initiative, commenters asked the Commission to consider eliminating both of these requirements because channel lineup information is available from other sources and the requirements are therefore unnecessary. With this proceeding, we continue our efforts to modernize our rules and eliminate outdated and unnecessary regulatory burdens that can impede competition and innovation in the media marketplace.

2. We propose to eliminate § 76.1705 of our rules, which requires every cable operator ''to maintain at its local office a current listing of the cable television channels'' delivered by the system to its subscribers. This requirement was originally adopted in 1972 as part of the Commission's technical standard performance rules for cable. Among the Commission's goals in the 1972 Cable Order was to ensure that the ''channels delivered to subscribers conform to the capability of the television broadcast receiver.'' While the Commission did not explain in its order exactly why it believed it was necessary for a system to maintain at its local office a list of the channels it delivers, it appears that the requirement was designed to help the Commission verify compliance with technical performance standards that applied to certain cable channels at that time.

3. We tentatively conclude that the requirement to maintain a channel lineup locally is outdated, unnecessary, and inconsistent with the Commission's recent efforts to improve access to information about regulated entities by making this information available online. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations,* Second Report and Order, 77 FR 27631 (May 11, 2012) (Television Online Public File Order); *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees,* Report and Order, 81 FR 10105 (Reb. 29, 2016) (''Expanded Online Public File Order''). Regardless of the original purpose of the rule, information about the channel lineups of individual cable operators is now available through other sources, including, in many cases, the websites of the operator, on-screen electronic program guides, paper guides, and the Commission-hosted online public inspection file (OPIF). We therefore believe that few, if any, consumers interested in channel lineup information currently access this information by visiting an operator's local office as other sources of channel lineup information can be viewed far more quickly and easily.

4. We invite comment on our tentative conclusion. How often do consumers visit a cable operator's local office to view its channel lineup? Is Commission regulation in this area unnecessary because cable operators have the economic incentive to ensure that customers and prospective customers are able to find out which channels they deliver? Is there any benefit to retaining the requirement in § 76.1705 that we should consider? For example, is there any benefit to regulators, including local franchising authorities, to having this information continue to be available locally, or can regulators easily access this information from other sources, including directly from the cable operator, without § 76.1705? Commenters who advocate in favor of or against retaining this rule should discuss whether and how the benefits of doing so outweigh any costs.

5. We also invite comment on whether we should eliminate the requirement that cable operators make channel lineup information available for public inspection pursuant to § 76.1700(a)(4) through the online public file. In the Expanded Online Public File Order, the Commission expanded to cable operators of systems with at least 1,000 subscribers, as well as broadcast and satellite radio licensees and DBS providers, the requirement that public inspection files be posted to the Commission-hosted online public file database. In that order, the Commission also required cable operators subject to the new online file requirements to

comply with § 76.1700(a)(4) either by uploading to the online public file information regarding their current channel lineup, and keeping this information up-to-date, or providing a link in the online file to the channel lineup maintained by the operator at another online location. While the Commission recognized that cable operators may provide channel lineup information to subscribers in other ways, and that they have an incentive to present this information on their own websites, it declined to exclude this information from the list of material cable operators were required to include in the online public file as advocated by cable commenters. In doing so, the Commission noted that its focus in the Expanded Online Public File proceeding was on adapting its existing public file requirements to an online format rather than considering substantive changes to the public file rules.

6. Several commenters in the Media Modernization proceeding have asked the Commission to eliminate the channel lineup public file requirement on the ground that consumers have multiple other sources of information about a cable system's current channel lineup, including cable operator and third-party websites, on-screen electronic programming guides, and copies of lineups provided by cable operators. NCTA argues that ''[t]here is no indication in the record or elsewhere that consumers find the channel lineups in public inspection files to be useful at all, or that they would look to the Commission's website to locate such information.'' NCTA also notes that the Commission does not require channel lineup information to be included in the public files of DBS providers, who provide video programming options similar to cable operators.

7. We seek comment on whether there are sufficient other sources of information, apart from the online public file, available to consumers regarding cable channel lineups. In this regard, we note that § 76.1602(b) of the Commission's rules separately requires cable operators to provide information to subscribers regarding the ''channel positions of programming carried on the system'' and ''products and services offered'' at the time of installation, at least annually, and at any time upon request. Is this requirement, combined with other sources of information regarding a cable system's channel lineup, sufficient to ensure that consumers have access to information regarding the programming provided by cable operators? Is there a benefit to having information about cable systems, including channel lineup information, available all in one place in the system's online public file? How frequently do consumers use the online public file to access channel lineup information? How do consumers currently access the channel lineup information of DBS providers who are not subject to this online posting requirement? Is such information easily accessible?

8. Absent an online public file requirement, would channel lineup information be available to consumers and others who are not subscribers to the cable system, including those interested in comparing channel offerings by competing providers? Is Commission regulation in this area unnecessary because cable operators have the economic incentive to ensure that customers and prospective customers are able to find out which channels they deliver? For example, would this information be posted conspicuously on the website of a cable provider? Should we require operators subject to § 76.1700(a)(4) to instead put channel lineup information on their own website? If we adopt such a website requirement, should operators ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website as our public file rule requires? What is the cost associated with the existing requirement that operators either upload channel lineup information to the online public file and keep this information current or provide a link in the online file to the channel lineup maintained by the operator at another online location? Would regulators benefit from access to channel lineup information via the online public file, particularly if we eliminate 76.1705 as proposed above? If so, how? We request that commenters address how the potential benefits of their proposal would outweigh any potential costs.

9. Operators of cable systems with fewer than 1,000 subscribers are exempt from all online public file requirements, including the requirement to make channel lineup information available via the online file, but they must maintain local public inspection files and are subject to the requirement in § 76.1705 that they maintain a copy of their current channel lineup locally. If we eliminate § 76.1705, as proposed above, will there continue to be adequate access to information about the channels delivered by these smaller cable systems? To what extent do small operators make channel lineup information available via the internet or electronic programming guides? How often do consumers visit small operators' local inspection files to view channel lineups? Is Commission regulation in this area unnecessary because operators of small cable systems have the economic incentive to ensure that customers and prospective customers are able to find out which channels they deliver? We note that all cable systems regardless of size are subject to the notification requirements in § 76.1602(b), discussed above. Alternatively, if we eliminate § 76.1705 but retain the requirement that cable systems subject to the online public file make channel lineup information available there, should we require that cable systems with fewer than 1,000 subscribers continue to retain channel lineup information locally, if they do not voluntarily use the online public file? Should we instead require small cable operators to put channel lineup information on their own website? If so, should small cable operators ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website?

Procedural Matters

A. Initial Regulatory Flexibility Analysis

10. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared an Initial Regulatory Flexibility Act Analysis (IRFA) relating to this NPRM. The IRFA is set forth in Appendix B.

B. Initial Paperwork Reduction Act Analysis

11. This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

C. Ex Parte Presentations

12. Permit-But-Disclose. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the

presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable.pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

D. Comment Filing Procedures

13. Comments and Replies. Pursuant to §§ 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). See 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://fjallfoss.fcc.gov/ecfs2/*.
- *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, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

14. Availability of Documents. Comments, reply comments, and ex parte submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

15. 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 & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

E. Additional Information

16. For additional information on this proceeding, please contact Kim Matthews of the Media Bureau, Policy Division, *Kim.Matthews@fcc.gov,* (202) 418–2154.

Initial Regulatory Flexibility Act Analysis

17. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''), the Commission has prepared this Initial Regulatory Flexibility Analysis (''IRFA'') concerning the possible significant economic impact on small entities of the policies and rules proposed in the Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rule Changes

18. The NPRM proposes to eliminate the requirement in § 76.1705 of the Commission's rules that cable operators maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers. We tentatively conclude that this requirement is unnecessary, outdated, and inconsistent with our recent efforts to make licensee information available online. The NPRM also seeks comment on whether the Commission should eliminate the requirement in § 76.1700(a)(4) that cable operators of systems with 1,000 or more subscribers make a current copy of their channel lineup available via their online public inspection file. These operators may either upload information regarding their channel lineup to the online file, and keep that information current, or provide a link in their online file to the channel lineup maintained by the operator at another online location. The NPRM also asks if we should instead require operators subject to § 76.1700(a)(4) to put channel lineup information on their own website and, if so, whether we should require these operators to ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website as our public file rules currently require.

19. Operators of cable systems with fewer than 1,000 subscribers are exempt from all online public file requirements, including the requirement to make channel lineup information available via the online file, but they must maintain local public inspection files and are subject to the requirement in § 76.1705 that they maintain a copy of their current channel lineup locally. The NPRM asks whether, if we eliminate § 76.1705, there will continue to be adequate access to channel lineup information for systems with fewer than 1,000 subscribers, or whether we should instead continue to require these small operators to maintain current channel lineup information in their local public inspection files if they do not voluntarily use the online public file. The NPRM also asks if we should

instead require small cable operators to put channel lineup information on their own website and, if so, we should require these operators to ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website. Our goal is to ensure that consumers have sufficient access to channel lineup information and to continue our efforts to modernize our rules and reduce regulatory burdens on cable operators by eliminating unnecessary requirements in our rules.

B. Legal Basis

20. The proposed action is authorized pursuant to sections 1, 2, 4(i), 4(j), 303, 601 and 624(e) of the Communications Act, 47 U.S.C. 151, 152, 154(i), 154(j), 303, 521 and 624(e).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

21. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

22. Cable Companies and Systems (Rate Regulation). The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that all but nine cable operators nationwide are small under the 400,000 subscriber size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Of the 4,197 active cable systems nationwide, we estimate that approximately 85 percent have 15,000 or fewer subscribers, and the rest have more than 15,000 subscribers. Thus, under this standard as well, we estimate that most cable systems are small entities.

23. Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable systems operators are affiliated with entities whose gross annual revenues exceed $250 million, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. The NPRM proposes to eliminate the requirement in § 76.1705 of the Commission's rules that cable operators maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers. This rule change would reduce reporting, recordkeeping, and other compliance requirements for cable operators which are currently required to maintain a current channel lineup for each system in the cable operator's local office. In addition, the NPRM seeks comment on whether to eliminate the requirement in § 76.1700(a)(4) of the Commission's rules that cable systems with 1,000 or more subscribers make a current copy of their channel lineup available via their online public inspection file. If the Commission eliminated this requirement, it would further reduce reporting, recordkeeping, and other compliance requirements for these cable operators. Alternatively, the NPRM asks whether cable operators subject to § 76.1700(a)(4) should instead be required to put channel lineup information on their own website and, if so, whether we should require these operators to ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website as our public file rules currently require.

25. Operators of cable systems with fewer than 1,000 subscribers are exempt from all online public file requirements, including the requirement to make channel lineup information available via the online file, but they must maintain local public inspection files and are subject to the requirement in § 76.1705 that they maintain a copy of their current channel lineup locally. The NPRM asks whether, if we eliminate § 76.1705, there will continue to be adequate access to channel lineup information for systems with fewer than 1,000 subscribers, or whether we should instead continue to require these small operators to maintain current channel lineup information in their local public inspection files or put this information on their own websites if they do not voluntarily use the online public file. If we adopt a website requirement, the NPRM asks if we should require these operators to ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website.

E. Steps Taken To Minimize Significant Impact on Small Entities and Significant Alternatives Considered

26. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standard; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

27. The NPRM proposes to eliminate the requirement that cable operators maintain a current channel lineup in the cable operator's local office, and invites comment on this proposal and whether there are reasons why this requirement should be retained. Eliminating this requirement would eliminate the costs of maintaining this information locally and making it available to those asking to view it, including any related managerial, administrative, and operational costs. The Commission considered the alternative of not

eliminating this requirement but has tentatively concluded the requirement is unnecessary and outdated and should be eliminated.

28. In addition, the NPRM invites comment on whether to eliminate the requirement that cable systems with 1,000 or more subscribers make a current copy of their channel lineup available via their online public inspection file, or whether this requirement should be retained to ensure that consumers have sufficient access to channel lineup information. Alternatively, the NPRM asks whether cable operators subject to § 76.1700(a)(4) should instead be required to put channel lineup information on their own website and, if so, whether we should require these operators to ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website as our public file rules currently require.

29. Operators of cable systems with fewer than 1,000 subscribers are exempt from all online public file requirements, including the requirement to make channel lineup information available via the online file, but they must maintain local public inspection files and are subject to the requirement in § 76.1705 that they maintain a copy of their current channel lineup locally. The NPRM asks whether, if we eliminate § 76.1705, there will continue to be adequate access to channel lineup information for systems with fewer than 1,000 subscribers, or whether we should instead continue to require these small operators to maintain current channel lineup information in their local public inspection files if they do not voluntarily use the online public file. The NPRM also asks if we should instead require small cable operators to put channel lineup information on their own website and, if so, we should require these operators to ''maintain a current listing of the cable television channels which that systems delivers to its subscribers'' on their website.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

30. None.

Ordering Clauses

31. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 4(i), 4(j), 303(r), 601, and 624(e) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303(r), 521, and 544(e) this Notice of Proposed Rulemaking *is adopted.*

32. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 76

Cable television operators.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Section 76.1700 is amended by revising paragraph (a)(4) to read as follows:

§ 76.1700 Records to be maintained by cable system operators

(a) * * *

(4) Channels delivered. The operator of each cable television system shall maintain a current listing of the cable television channels which that system delivers to its subscribers;

* * * * *

§ 76.1705 [Removed and Reserved]

■ 3. Section 76.1705 is removed and reserved.

[FR Doc. 2018–09065 Filed 4–30–18; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 83, No. 84
Tuesday, May 1, 2018

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Infant and Toddler Feeding Practices Study–2 (WIC ITFPS–2) Age 6 Extension Study

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of the currently approved Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Infant and Toddler Feeding Practices 2 Study (ITFPS–2) [OMB Control Number 0584–0580]. The revision is to extend data collection on the original cohort of study participants by an additional year, to their 6th birthdays and therefore one year after the end of their period of eligibility for WIC services. The data will be used to estimate the type and prevalence of various feeding practices among children who received WIC program benefits, after their program eligibility ends. This study will also examine the circumstances and influences that shape caregivers' feeding decisions for their children, and will describe the impact of childhood WIC participation on subsequent dietary and health outcomes.

DATES: Written comments must be received on or before July 2, 2018.

ADDRESSES: Comments may be sent to: Courtney Paolicelli, DrPH, RDN, Social Science Research Analyst, Office of Policy Support, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Danielle Berman at 703–305–2698 or via email to *danielle.berman@fns.usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Danielle Berman at 703–305–2698.

SUPPLEMENTARY INFORMATION: 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 of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Infant and Toddler Feeding Practices Study–2 (ITFPS–2) Age 6 Extension.

Form Number: N/A.

OMB Number: 0584–0580.

Expiration Date of Approval: 07/31/2019.

Type of request: Revision of a currently approved collection.

Abstract: The USDA Food and Nutrition Service's (FNS) WIC ITFPS–2 will provide information on the feeding practices of children who received WIC benefits, from birth up to 5 years of age. The proposed revision will extend the longitudinal data collection of the current cohort of study participants up to 6 years of age, one year after the end of their eligibility for WIC services. This proposed extension is needed to understand the nutrition, health outcomes, and family feeding practices of children in this key period after WIC program eligibility ends. The results will assist in the development of appropriate and effective prevention strategies to improve the health of young children. With nearly 50 percent of US infants participating in WIC, it is hoped that prevention strategies implemented in WIC will have a substantial impact on the growth and health of U.S. infants and children.

The study activities subject to this notice include: Informing 27 WIC State Agencies and 80 local WIC sites that the study has been extended for an additional year, and their role in the study's extension; contacting 4,046 caregivers between the 60 and 72 month interviews, to notify them of the extension and provide consent and study reminders; administering an additional telephone interview to caregivers of children enrolled in the study when their child is 72-months old; administering a second dietary intake interview to a subsample of caregivers who complete the first interview; and obtaining their child's height and weight measurements at 72 months from caregiver's provision to the study of health care provider measurements, or from direct measurements taken at WIC sites.

The WIC State Agency and local WIC site staff will be invited to participate in a webinar that will highlight key study findings to date (from reports approved and published by FNS) and describe the study extension to age 6. The 27 State Agencies and 80 sites will participate in conference calls to discuss the follow-up activities.

Each study participant will receive a letter about the study extension. Prior to being contacted for the 72-month telephone interview, the caregiver for each child in the cohort will be mailed an advance letter that includes a toll-free number to call for questions or to complete the interview. Participants will receive periodic mailings, calls, emails, and text messages reminding them of the upcoming 72 month interview and height and weight (H/W) measurement. Children's H/W measures will come from provider records supplied by caregivers, or WIC site staff will weigh and measure study children at age 72 months. WIC site staff will also

provide updated contact information on study participants who are still in contact with WIC when requested.

Affected Public: Respondent groups identified include: (1) Individuals/Households, including caregivers of children formerly on WIC; and (2) State, Local, or Tribal government, including WIC State Agency staff from 27 states and territories, and local site staff from 80 WIC sites.

Estimated Number of Respondents: The total estimated number of respondents is 5,220. This includes 2,969 caregivers of children formerly receiving WIC who originally enrolled in the study; 27 WIC State Agency points-of-contact; 80 local WIC site staff members; and 2,144 non-respondents.

Estimated Number of Responses per Respondent: Caregivers of former WIC children will be asked to respond to: 1 study extension letter; 1 informed consent; 1 advance letter; 1 main telephone survey; 1 replicate dietary intake telephone survey; 1 child height/weight measurement; 2 interview reminders; 1 height and weight measurement reminder; 1 thank-you message; 2 birthday cards, for a total of 9 responses. WIC State Agency points-of-contact will respond to 1 study extension webinar; 1 conference call; and 1 written summary of the study extension and agreed upon activities, for a total of 3 responses. WIC local site points-of-contact will respond to 1 study extension webinar; 1 conference call; 1 written summary of the study extension and agreed upon activities; 15 requests for contact information for caregivers; and 9 child height/weight measurements, for a total of 27 responses. The estimated number of responses per respondent across the entire collection, including the non-respondents, is 7 responses.

Estimated Total Annual Responses: 36,664 total responses (total responses from respondents and non-respondents).

Estimated Time per Response: The estimated time per response varies from less than one minute to 60 minutes, depending on the activity and respondent type. The average estimated time per response is .11 hours for all participants.

Estimated Total Annual Burden on Respondents: 3,983.36 hours. See Table 1 below for estimated burden by respondent type.

Dated: April 18, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

Table 1: Estimated Burden by Respondent Type

Respondent Type	Respondent Description	Type of Study Activity	Sample size	Number of Respondents	Frequency of Response (annual)	Total Annual Responses	Average Hours per Response	Sub-Total Annual Burden	Number of non-respondents	Frequency of Response (annual)	Total Annual Responses	Average Hours per response	Sub-Total Annual Burden	Total Burden Hours
Individuals and Households	Caregivers of former WIC children	Study extension consent form to age 6	4,046	2,969	1	2,969	0.03	98.87	1,077	1	1,077	0.03	35.86	134.73
		Study extension letter	4,046	2,969	1	2,969	0.03	98.87	1,077	1	1,077	0.03	35.86	134.73
		72-mo advance letter	2,969	2,524	1	2,524	0.05	126.20	445	1	445	0.05	22.27	148.47
		72-mo telephone survey	4,046	1,902	1	1,902	0.75	1,426.22	2,144	1	2,144	0.00	0.00	1,426.22
		72-mo 2nd AMPM telephone survey	285	191	1	191	0.50	95.56	94	1	94	0.00	0.00	95.56
		72- mo H/W measurement card	1,902	1,331	1	1,331	1.00	1,331.13	570	1	570	0.00	0.00	1,331.13
		72-mo text or mail provider measures	380	190	1	190	0.05	9.51	190	1	190	0.00	0.00	9.51
		Reminders 72-mo interview	2,969	2,969	2	5,939	0.03	158.56	0	2	0	0.03	0.00	158.56
		Height and weight reminders	2,969	2,969	1	2,969	0.01	24.65	0	1	0	0.01	0.00	24.65
		72-mo thank you	1,902	1,521	1	1,521	0.00	6.39	380	1	380	0.00	1.60	7.99
		Birthday card respondent year 6	2,969	2,376	1	2,376	0.01	19.72	593	1	593	0.01	4.93	24.65
		Birthday card child age 6	2,969	2,376	1	2,376	0.01	19.72	593	1	593	0.01	4.93	24.65
Individuals and Households Subtotal (a)			**4,046**	**2,969**	**9**	**27,257**		**3,415.39**	**2,144**	**3**	**7,166**		**105.45**	**3,520.83**
State & Local Government	State WIC staff point of contact	Study extension webinar	27	27	1	27	1.00	27.00	0	0	0	1.00	0.00	27.00
		Conference calls on extension	27	27	1	27	1.00	27.00	0	0	0	1.00	0.00	27.00
		Study extension summary and agreement	27	27	1	27	0.27	7.20	0	0	0	0.27	0.00	7.20
		Subtotal	**27**	**27**	**3**	**81**		**61.20**	**0**	**0**	**0**		**0.00**	**61.20**
	WIC site staff point of contact	Study extension webinar	80	80	1	80	1.00	80.00	0	0	0	1.00	0.00	80.00
		Conference call on extension	80	80	1	80	1.00	80.00	0	0	0	1.00	0.00	80.00
		Study extension summary and agreement	80	80	1	80	0.27	21.34	0	0	0	0.27	0.00	21.34
		Request for contact information	80	80	15	1,200	0.08	99.96	0	0	0	0.08	0.00	99.96
		HT/WT measurement	80	80	9	720	0.17	120.02	0	0	0	0.17	0.00	120.02
		Subtotal	**80**	**80**	**27**	**2,160**		**401.32**	**0**	**0**	**0**		**0.00**	**401.32**
State/Local Government Subtotal			**107**	**107**	**21**	**2,241**		**462.52**	**0**	**0**	**0**		**0.00**	**462.52**
GRAND TOTAL			**4,153**	**3,076**	**10**	**29,498**		**3,877.91**	**2,144**	**3**	**7,166**		**105.45**	**3,983.36**

(a) Unique respondents is equal to the largest category of respondents, those who receive the study consent form. Unique nonrespondents is equal to largest category of non-respondents, those who do not complete the 72-month interview. Total respondents + nonrespondents is larger than sample size as some study participants may respond to some data collection activities and be non-respondents for others.

[FR Doc. 2018–09216 Filed 4–30–18; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kentucky Advisory Committee; Correction

AGENCY: U.S. Commission on Civil Rights.

ACTION: Correction: Announcement of meeting.

SUMMARY: The Commission on Civil Rights published a document April 16, 2018, announcing an upcoming Kentucky Advisory Committee. The document contained an incorrect date of the meeting.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov* or 404–562–7706.

Correction: In the **Federal Register** of April 16, 2018, in FR Doc. 2018–07841, on page 16285, in the first and second columns, correct the **DATES** caption to read:

DATES: The meeting will be held on Monday, May 17, 2018 at 12:00 EST.

Dated: April 26, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–09192 Filed 4–30–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Wednesday June 13, 2018, at 12:00 p.m. CDT for the purpose of discussing civil rights concerns in the state.

DATES: The meeting will be held on Wednesday, June 13, 2018, at 12:00 p.m. CDT.

ADDRESSES: Public call information: Dial: 888–220–8670, Conference ID: 9601222.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the call in information listed above. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement to the Committee as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 South Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at 312–353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at 312–353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Illinois Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=246*). Select ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion: Civil Rights in Illinois
Public Comment
Future Plans and Actions
Adjournment

Dated: April 26, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–09191 Filed 4–30–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Carolina Advisory Committee for a Meeting To Discuss Potential Project Topics

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the North Carolina (State) Advisory Committee will hold a meeting on Thursday, May 24, 2018, to discuss potential project topics.

DATES: The meeting will be held on Thursday May 24, 2018 at 12:00 p.m. EST.

ADDRESSES: The meeting will be by teleconference. Toll-free call-in number: 888–572–7034, conference ID: 2516963.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov* or 404–562–7006.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–572–7034, conference ID: 2516963. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office by January 27, 2016. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. They may also be faxed to the Commission at (404) 562–7005, or emailed to Regional Director, Jeffrey

Hinton at *jhinton@usccr.gov.* Persons who desire additional information may contact the Southern Regional Office at (404) 562–7000.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, North Carolina Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Thea Monet, Chair
North Carolina Advisory Committee discussion of potential project topics
Thea Monet, Chair
Open Comment
Staff/Advisory Committee
Public Participation
Adjournment

Dated: April 26, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–09193 Filed 4–30–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 180319296–8296–01]

Final Content Design for the Prototype 2020 Census Redistricting Data File

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) hereby provides notification of the final design for the Prototype 2020 Census Redistricting Data File to be produced from the 2018 End-to-End Census Test. In addition, this notice contains a summary of the comments received in response to the November 8, 2017 **Federal Register** notice as well as the Census Bureau's responses to those comments. We are issuing this notice to inform the public of the expected data tables being produced from the 2018 End-to-End Census Test as part of Phase 3 (Data Delivery phase) of the 2020 Census Redistricting Data Program.

DATES: The Final Content Design for the Prototype 2020 Census Redistricting Data File in this notice will be official May 31, 2018.

FOR FURTHER INFORMATION CONTACT: James Whitehorne, Chief, Census Redistricting and Voting Rights Data Office, U.S. Census Bureau, 4600 Silver Hill Road, Room 4H057, Washington, DC 20233, telephone (301) 763–4039, or email *rdo@census.gov.*

SUPPLEMENTARY INFORMATION: Under the provisions of Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)), the Director of the Census Bureau is required to provide the ''officers or public bodies with initial responsibility for legislative apportionment or districting of each state . . .'' with the opportunity to specify small geographic areas (*e.g.,* census blocks, voting districts, wards, and election precincts) for which they wish to receive decennial census population totals for the purpose of reapportionment and redistricting.

By April 1 of the year following the census, the Secretary of Commerce is required to furnish those state officials or their designees with population counts for counties, cities, census blocks, and state-specified congressional districts, legislative districts, and voting districts.

The 2020 Census Redistricting Data Program was initially announced on July 15, 2014, in the **Federal Register** (79 FR 41258). This notice described the program that the Census Bureau proposed to adopt for the 2020 Census. As seen in the 1990, 2000, and 2010 censuses, the 2020 Census Redistricting Data Program is partitioned into several phases. Phase 1, the Block Boundary Suggestion Project, was announced in a **Federal Register** notice on June 26, 2015 (80 FR 36765). This notice described the procedures for the states to provide the Census Bureau with their suggestions for the 2020 Census tabulation block inventory. Phase 2, the Voting District Project, was announced in a **Federal Register** notice on June 28, 2017 (82 FR 29276). This second phase specifically provides states the opportunity to provide the Census Bureau with their voting district boundaries (election precincts, wards, etc.). Phase 3 of the 2020 Redistricting Data Program is data delivery.

The 2020 Census Redistricting Data Program provides states the opportunity to specify the small geographic areas for which they wish to receive 2020 Census population totals for the purpose of reapportionment and redistricting. This notice pertains to Phase 3, the Data Delivery phase of the program, and the content of the Prototype 2020 Census Redistricting Data File that will be produced from the 2018 End-to-End Census Test.

Summary of Comments Received in Response to the ''Proposed Content for the Prototype 2020 Census Redistricting Data File''

On November 8, 2017, the Census Bureau published a notice in the **Federal Register** asking for public comment on the ''Proposed Content for the Prototype 2020 Census Redistricting Data File'' (82 FR 51805). The Census Bureau received three comments.

Comment 1: The comment expressed support for keeping separate questions on Hispanic origin and race.

Response to Comment 1: As this **Federal Register** notice pertains to data product format and not data collection methods, this comment is considered outside the scope of this notice.

Comment 2: The comment expressed support for including the group quarters tabulation as a part of the data product.

Response to Comment 2: The group quarters tabulation will be included as a part of the Prototype 2020 Redistricting Data File.

Comment 3: The comment expressed support for a Middle East North African race or ethnicity category for data collection.

Response to Comment 3: As this **Federal Register** notice pertains to data product format and not data collection methods, this comment is considered outside the scope of this notice.

The Census Bureau will continue to communicate with each state to ensure all are well informed of the benefits of working with the Census Bureau toward a successful 2020 Census. In addition, the Census Redistricting and Voting Rights Data Office will continue to work with each state to ensure that all are prepared to participate in every phase of the Redistricting Data Program. As required by Public Law 94–171, every state, regardless of its participation in Phase 1 or Phase 2, will receive the official redistricting data in Phase 3.

Final Content Design for the Prototype 2020 Census Redistricting Data File

This final content design takes into account that the Census Bureau has now determined that planned race and ethnicity questions for the 2020 Census will follow a two-question format. The decision to use separate questions is detailed in the 2020 Census Memorandum Series as Memorandum 2018.02. It is available at: *https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/memo-series/2020-memo-2018_02.html.*

While the decision to use separate questions means the final content design announced here differs from what was proposed in the previous notice, the possibility of using separate questions for race and ethnicity and its effect on the prototype file design was addressed in that notice. Using separate questions follows the most current race and ethnicity collection guidance set by the Office of Management and Budget, which remains unchanged since 1997.

In accordance with the provisions of Title 13, U.S.C., Section 141(c), and on behalf of the Secretary of Commerce, the U.S. Census Bureau Director previously requested comments on the proposed content of the required population counts being produced as part of Phase 3 of the 2020 Census Redistricting Data Program.

The proposed content stated that should the Census Bureau use separate questions on race and ethnicity, then the prototype file would revert to the same design as that used for the 2010 Census. In addition, the proposed content stated that regardless of whether a separate or combined question format is used in the 2020 Census, a group quarters table will be added to assist those states that reallocate populations before redistricting. This table will include the group quarters categories of: Institutionalized populations (correctional facilities for adults, juvenile facilities, nursing facilities/skilled nursing facilities, and other institutional facilities) and noninstitutionalized populations (college/university student housing, military quarters, and other non-institutionalized facilities). The group quarters table will include state, county, county subdivision, voting district, tract, and block geographic levels for the total population in the group quarters count. Thus, the final design of the Prototype 2020 Census Redistricting Data File will be the same design as that used for the 2010 Census Redistricting Data File, with the addition of a group quarters table.

A schematic of the tables planned for the Prototype 2020 Census Redistricting File is available at the Census Bureau's FTP site at: *https://www2.census.gov/programs-surveys/decennial/rdo/about/2020-census-program/Phase3/Phase3_prototype_schematic_final.pdf*.

Dated: April 24, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs Performing the Non-Exclusive Functions and Duties of the Director Bureau of the Census.

[FR Doc. 2018–09189 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Export Trade Certificate of Review.

OMB Control Number: 0625–0125.

Form Number(s): ITA–4093P.

Type of Request: Regular Submission.

Number of Respondents: 9.

Average Hours per Response: 32 hours (application); 2 hours (annual report).

Burden Hours: 440 hours.

Needs and Uses: The collection of information is necessary for both the Departments of Commerce and Justice to conduct an analysis, in order to determine whether the applicant and its members are eligible to receive the protection of an Export Trade Certificate of Review and whether the applicant's proposed export-related conduct meets the standards in Section 303(a) of the Act. The collection of information constitutes the essential basis of the statutory determinations to be made by the Secretary of Commerce and the Attorney General.

Affected Public: Business or other for profit organizations; not-for-profit institutions, and state, local or tribal government.

Frequency: Submission of an application form is required each time an entity of the affected public applies for a new or amended Export Trade Certificate of Review. Completion of an annual report is required one time per year from existing Certificate holders.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09116 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Survey of International Air Travelers (SIAT).

OMB Control Number: 0625–0227.

Form Number(s): None.

Type of Request: Regular submission (extension and revision of a currently approved information collection).

Number of Respondents: 300,000.

Average Hours per Response: 15 minutes.

Burden Hours: 75,000.

Needs and Uses: The Survey of International Air Travelers (SIAT) program, administered by the National Travel and Tourism Office (NTTO) of the International Trade Administration provides source data required to: (1) Estimate international travel and passenger fare exports, imports and the trade balance for the United States, (2) comply with the U.S. Travel Promotion Act of 2009 (Pub. L. 111–145), collect, analyze and report information to the Corporation for Travel Promotion (CTP), and support the National Export Initiative (NEI–NEXT) to double U.S. exports, (3) comply with the 1945, 1961, 1981, and 1996 travel and tourism related acts to collect and publish comprehensive international travel and tourism statistics and other marketing information, and (4) support the continuation of the Travel & Tourism Satellite Accounts for the United States, which provide the only spending and employment figures for the industry. The SIAT program contains the core data that is analyzed and communicated by NTTO with other government agencies, associations and businesses that share the same objective of increasing U.S. international travel exports.

The SIAT assists NTTO in assessing the economic impact of international travel on state and local economies, providing visitation estimates, key market intelligence, and identifying traveler and trip characteristics. The U.S. Department of Commerce assists travel industry enterprises to increase international travel and passenger fare exports for the country as well as outbound travel on U.S. carriers. The Survey program provides the only

available estimates of nonresident visitation to the states and cities within the United States, as well as U.S. resident travel abroad.

The SIAT also assists NTTO in producing in-depth statistical reports, fact sheets and briefings on economic factors and policy issues affecting U.S. industries. With the SIAT statistical data not replicable by private sector trade associations or by private firms, Federal agencies, Congress and international organizations rely on these statistic-based tools, as do American businesses, state and local governments, and news organizations.

Affected Public: Individuals or households: International travelers departing the United States 18 years or older which includes U.S. and non-U.S. residents for all countries except Canada.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09117 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–03–2018]

Foreign-Trade Zone (FTZ) 40—Cleveland, Ohio Authorization of Production Activity; Swagelok Company; (Valve Component Parts); Solon, Willoughby Hills, Highland Heights, and Strongsville, Ohio

On December 26, 2017, the Cleveland-Cuyahoga County Port Authority, grantee of FTZ 40, submitted a notification of proposed production activity to the FTZ Board on behalf of Swagelok Company, within Subzone 40I, in Solon, Willoughby Hills, Highland Heights, and Strongsville, Ohio.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 1607–1608, January 12, 2018). On April 25, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 25, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–09154 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Procedures for Submitting Requests for Objections From the Section 232 National Security Adjustments of Imports of Steel and Aluminum

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before July 2, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482–8093 or at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Presidential Proclamations 9705 Adjusting Imports of Steel Mill Articles Into the United States and 9704 Adjusting Imports of Aluminum Into the United States

On March 8, 2018, the President issued Proclamations 9704 and 9705 concurring with the findings of the two reports and determining that adjusting imports through the imposition of duties on steel and aluminum is necessary so that imports of steel and aluminum will no longer threaten to impair the national security. The Proclamations also authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior executive branch officials as appropriate, to grant exclusions from the duties for domestic parties affected by the duties. This could take place if the Secretary determines the steel or aluminum for which the exclusion is requested is not produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or should be excluded based upon specific national security considerations. The President directed the Secretary to promulgate regulations as may be necessary to implement an exclusion process. The purpose of this information collection is to allow for submission of objections requests from the remedies instituted in presidential proclamations adjusting imports of steel into the United States and adjusting imports of aluminum into the United States.

II. Method of Collection

Submitted electronically.

III. Data

OMB Control Number: 0694–0138.

Form Number(s):

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,500.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 6,000.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Section 232 of the Trade Expansion Act of 1962, Presidential Proclamations 9704 and 9705.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09139 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Procedures for Submitting Request for Exclusions From the Section 232 National Security Adjustments of Imports of Steel and Aluminum

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before July 2, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482–8093 or at *mark.crace@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Presidential Proclamations 9705 Adjusting Imports of Steel Mill Articles Into the United States and 9704 Adjusting Imports of Aluminum Into the United States

On March 8, 2018, the President issued Proclamations 9704 and 9705 concurring with the findings of the two reports and determining that adjusting imports through the imposition of duties on steel and aluminum is necessary so that imports of steel and aluminum will no longer threaten to impair the national security. The Proclamations also authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior executive branch officials as appropriate, to grant exclusions from the duties for domestic parties affected by the duties. This could take place if the Secretary determines the steel or aluminum for which the exclusion is requested is not produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or should be excluded based upon specific national security considerations. The President directed the Secretary to promulgate regulations as may be necessary to implement an exclusion process. The purpose of this information collection is to allow for submission of exclusions requests from the remedies instituted in presidential proclamations adjusting imports of steel into the United States and adjusting imports of aluminum into the United States.

II. Method of Collection

Submitted electronically.

III. Data

OMB Control Number: 0694–0139.

Form Number(s):

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 4,500.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 18,000.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Section 232 of the Trade Expansion Act of 1962, Presidential Proclamations 9704 and 9705.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09140 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a

countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for June 2018

Pursuant to section 751(c) of the Act, the following Sunset Review are scheduled for initiation in June 2018 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department contact
Antidumping Duty Proceedings	
Steel Concrete Reinforcing Bars from Belarus (A–822–804) (3rd Review)	James Terpstra, (202) 482–3965.
Steel Concrete Reinforcing Bars from China (A–570–860) (3rd Review)	James Terpstra, (202) 482–3965.
Sodium Hexametaphosphate from China (A–570–908) (2nd Review)	Matthew Renkey, (202) 482–2312.
Xanthan Gum from China (A–570–985) (1st Review)	Matthew Renkey, (202) 482–2312.
Steel Concrete Reinforcing Bars from Indonesia (A–560–811) (3rd Review)	James Terpstra, (202) 482–3965.
Steel Concrete Reinforcing Bars from Latvia (A–449–804) (3rd Review)	James Terpstra, (202) 482–3965.
Steel Concrete Reinforcing Bars from Moldova (A–841–804) (3rd Review)	James Terpstra, (202) 482–3965.
Steel Concrete Reinforcing Bars from Poland (A–455–803) (3rd Review)	James Terpstra, (202) 482–3965.
Steel Concrete Reinforcing Bars from Ukraine (A–823–809) (3rd Review)	James Terpstra, (202) 482–3965.

Countervailing Duty Proceedings

No Sunset Review of countervailing duty orders is scheduled for initiation in June 2018.

Suspended Investigations

No Sunset Review of suspended investigations is scheduled for initiation in June 2018.

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 24, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–09151 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 94–6A007]

Export Trade Certificate of Review

ACTION: Notice of application to amend the Export Trade Certificate of Review issued to Florida Citrus Exports, L.C. (''FCE''), Application No. 94–6A007.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) (''the Act'') authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its application.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a non-confidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be non-confidential.

An original and five (5) copies, plus two (2) copies of the non-confidential version, should be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, non-confidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the amended Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 94–6A007.''

Summary of the Application

Applicant: Florida Citrus Exports, L.C., 7355 SW 9th Street, Vero Beach, FL 32968.

Contact: William M. Stainton, Attorney, Telephone: (813) 273–4325.

Application No.: 94–6A007.

Date Deemed Submitted: April 17, 2018.

Proposed Amendment: FCE seeks to amend its Certificate as follows:

- Add the following new Member of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Egan Fruit Packing, LLC.

FCE's proposed amendment would result in the following list of Members under the Certificate:

Egan Fruit Packing, LLC, Ft. Pierce, Florida
Golden River Fruit Co., Vero Beach, Florida
Hogan and Sons, Inc., Vero Beach, Florida
Indian River Exchange Packers, Inc., Vero Beach, Florida
Leroy E. Smith's Sons, Inc., Vero Beach, Florida
The Packers of lndian River, Ltd., Ft. Pierce, Florida
Premier Citrus Marketing, LLC, Vero Beach, Florida
River One International Marketing, Inc., Vero Beach, Florida
Riverfront Packing Co. LLC, Vero Beach, Florida
Seald Sweet LLC, Vero Beach, Florida

Dated: April 26, 2018.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2018–09149 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Surveys for User Satisfaction, Impact and Needs

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 2, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomment@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Joe Carter—Office of Strategic Planning, 1999 Broadway—Suite 2205, Denver, CO 80220, (303) 844–5656, *joe.carter@trade.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration provides a multitude of international trade related programs to help U.S. businesses. These programs include information products, services, and trade events. To accomplish its mission effectively, ITA needs ongoing feedback on its programs. This information collection item allows ITA to solicit clients' opinions about the use of ITA products, services, and trade events. To promote optimal use and provide focused and effective improvements to ITA programs, we are requesting approval for this clearance package; including: Use of Comment Cards (*i.e.* transactional-based surveys) to collect feedback immediately after ITA assistance is provided to clients; use of annual surveys (*i.e.* relationship-based surveys) to gauge overall satisfaction, impact and needs for clients with ITA assistance provided over a period time; use of multiple data collection methods (*i.e.* web-enabled surveys sent via email, telephone interviews, automated telephone surveys, and in-person surveys via mobile devices/laptops/tablets at trade events/shows) to enable clients to conveniently respond to requests for feedback; and a forecast of burden hours. Without this information, ITA is unable to systematically determine the actual and relative levels of performance for its programs and products/services and to provide clear, actionable insights for managerial intervention. This information will be used for program evaluation and improvement, strategic planning, allocation of resources and stakeholder reporting.

II. Method of Collection

The International Trade Administration is seeking approval for the following data collection methods to provide flexibility in conducting customer satisfaction surveys and to reduce the burden on respondents: (1) An email message delivering a hot link to a web enabled survey with an email reminder sent if the client does not respond to the survey within two weeks; (2) a telephone survey/interview; and (3) a web-enabled survey conducted in-person at trade shows/events via a laptop, tablet or mobile phone so participants can immediately respond without having to provide their email address.

III. Data

OMB Control Number: 0625–0275.
Form Number(s): ITA–XXXX.
Type of Review: Regular.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Estimated Number of Respondents: 50,000.

Estimated Time per Response: 5–30 minutes.

Estimated Total Annual Burden Hours: 25,000 hours.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09119 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as

defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when Commerce will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after May 2018, Commerce does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Commerce is providing this notice on its website, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which Commerce intends to exercise its discretion in the future.

Correction

In the Opportunity to Request Administrative Review Notice that published on December 4, 2017 (82 FR 57219) Commerce listed the incorrect case number for Circular Welded Carbon-Quality Steel Pipe from Pakistan. The correct case number is A–535–903.

Opportunity to Request a Review: Not later than the last day of May 2018,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

	Period of review
Antidumping Duty Proceedings	
AUSTRIA: Carbon and Alloy Steel Cut-To-Length Plate, A–433–812	11/14/16–4/30/18
BELGIUM: Carbon and Alloy Steel Cut-To-Length Plate, A–423–812	11/14/16–4/30/18
Stainless Steel Plate in Coil, A–423–808	5/1/17–4/30/18
BRAZIL: Iron Construction Castings, A–351–503	5/1/17–4/30/18
CANADA: Citric Acid and Citrate Salt, A–122–853	5/1/17–4/30/18
Polyethylene Terephthalate Resin, A–122–855	5/1/17–4/30/18
FRANCE: Carbon and Alloy Steel Cut-To-Length Plate, A–427–828	11/14/16–4/30/18
GERMANY: Carbon and Alloy Steel Cut-To-Length Plate, A–429–844	11/14/16–4/30/18
INDIA: Polyethylene Terephthalate Resin, A–533–861	5/1/17–4/30/18
Silicomanganese, A–533–823	5/1/17–4/30/18
Certain Welded Carbon Steel Standard Pipes and Tubes, A–533–502	5/1/17–4/30/18
INDONESIA: Polyethylene Retail Carrier Bags, A–560–822	5/1/17–4/30/18
ITALY: Carbon and Alloy Steel Cut-To-Length Plate, A–475–834	11/14/16–4/30/18
JAPAN: Carbon and Alloy Steel Cut-To-Length Plate, A–588–875	11/14/16–4/30/18

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Commerce is closed.

	Period of review
Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products, A–588–869	5/1/17–4/30/18
Gray Portland Cement and Cement Clinker, A–588–815	5/1/17–4/30/18
KAZAKHSTAN: Silicomanganese, A–834–807	5/1/17–4/30/18
OMAN: Polyethylene Terephthalate Resin, A–523–810	5/1/17–4/30/18
REPUBLIC OF KOREA: Carbon and Alloy Steel Cut-To-Length Plate, A–580–887	11/14/16–4/30/18
Ferrovanadium, A–580–886	11/1/16–4/30/18
Polyester Staple Fiber, A–580–839	5/1/17–4/30/18
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, A–552–806	5/1/17–4/30/18
SOUTH AFRICA: Stainless Steel Plate in Coils, A–791–805	5/1/17–4/30/18
TAIWAN: Carbon and Alloy Steel Cut-To-Length Plate, A–583–858	11/14/16–4/30/18
Certain Circular Welded Carbon Steel Pipes and Tubes, A–583–008	5/1/17–4/30/18
Polyester Staple Fiber, A–583–833	5/1/17–4/30/18
Polyethylene Retail Carrier Bags, A–583–843	5/1/17–4/30/18
Stainless Steel Plate in Coil, A–583–830	5/1/17–4/30/18
Stilbenic Optical Brightening Agents, A–583–848	5/1/17–4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: 1-Hydroxyethylidene-1, 1-Diphoshonic Acid (Hedp), A–570–045	11/4/16–4/30/18
Aluminum Extrusions, A–570–967	5/1/17–4/30/18
Circular Welded Carbon Quality Steel Line Pipe, A–570- 935	5/1/17–4/30/18
Citric Acid and Citrate Salt, A–570–937	5/1/17–4/30/18
Iron Construction Castings, A–570–502	5/1/17–4/30/18
Oil Country Tubular Goods, A–570–943	5/1/17–4/30/18
Polyethylene Terephthalate Resin, A–570–024	5/1/17–4/30/18
Pure Magnesium, A–570–832	5/1/17–4/30/18
Stilbenic Optical Brightening Agents, A–570–972	5/1/17–4/30/18
TURKEY: Circular Welded Carbon Steel Pipes and Tubes, A–489–501	5/1/17–4/30/18
Light-Walled Rectangular Pipe and Tube, A–489–815	5/1/17–4/30/18
UNITED ARAB EMIRATES: Steel Nails, A–520–804	5/1/17–4/30/18
VENEZUELA: Silicomanganese, A–307–820	5/1/17–4/30/18
Countervailing Duty Proceedings	
BRAZIL: Iron Construction Castings, C–351–504	1/1/17–12/31/17
INDIA: Polyethylene Terephthalate Resin, C–533–862	1/1/17–12/31/17
REPUBLIC OF KOREA: Carbon and Alloy Steel Cut-To-Length Plate, C–580–888	9/14/16–12/31/17
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, C–552–805	1/1/17–12/31/17
SOUTH AFRICA: Stainless Steel Plate in Coils, C–791–806	1/1/17–12/31/17
THE PEOPLE'S REPUBLIC OF CHINA: 1-Hydroxyethylidene-1, 1-Diphoshonic Acid (Hedp), C–570–046	9/8/16–12/31/17
Aluminum Extrusions, C–570–968	1/1/17–12/31/17
Citric Acid and Citrate Salt, C–570–938	1/1/17–12/31/17
Polyethylene Terephthalate Resin, C–570–025	1/1/17–12/31/17

Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on

[2] *See also* the Enforcement and Compliance website at *http://trade.gov/enforcement/.*

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *http://access.trade.gov*.[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of May 2018. If Commerce does not receive, by the last day of May 2018, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 24, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–09152 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–071]

Sodium Gluconate, Gluconic Acid, and Derivative Products From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable May 1, 2018.

FOR FURTHER INFORMATION CONTACT: Magd Zalok at (202) 482–4162; Stephen Bailey at (202) 482–0193, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 2017, the Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of sodium gluconate, gluconic acid, and derivative products from the People's Republic of China.[1] Currently, the preliminary determination is due no later than May 14, 2018.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner [2] makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, and determines that the investigation is extraordinarily complicated such that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On April 4, 2018, the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.[3] The petitioner stated that it requests the postponement in order to provide Commerce with sufficient time to develop the record in this proceeding through additional questionnaires and gather information from the interested parties on the surrogate values used to value the mandatory respondents' factors of production.[4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than July 2, 2018.[5] In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

[1] *See Sodium Gluconate, Gluconic Acid, and Derivative Products from France and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 516 (January 4, 2018) (*Initiation Notice*).

[2] The petitioner is PMP Fermentation Products, Inc.

[3] *See* Letter from the petitioner titled ''Antidumping Duty Investigation of Sodium Gluconate, Gluconic Acid, and Derivative Products from the People's Republic of China: Petitioner's Request for Postponement of the Preliminary Determination,'' dated April 4, 2018.

[4] *Id.*

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005).

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 23, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–08899 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Review) of the antidumping and countervailing duty (AD/CVD) order(s) listed below. The International Trade Commission (the Commission) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s).

DATES: Applicable May 1, 2018.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the Commission, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth 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).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping and countervailing duty order(s):

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–823–810	731–TA–894	Ukraine	Ammonium Nitrate (3rd Review)	James Terpstra (202) 482–3965.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: *http://enforcement.trade.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.[1]

Any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties must use the certification formats provided in 19 CFR 351.303(g).[3] Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

On April 10, 2013, Commerce modified two regulations related to AD/CVD proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).[4] Parties are advised to review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at *http://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt,* prior to submitting factual information in these segments.[5]

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[4] *See Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013).

[5] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[6]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the Commission's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: April 24, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–09153 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 180220199–819–01]

Request for Information Regarding Federal Technology Transfer Authorities and Processes

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meetings; Request for Information (RFI).

SUMMARY: The Federal government invests approximately $150 billion annually [1] in research and development (R&D). For the results of this investment to produce economic gain and maintain a strong national security innovation base, the results must be transferred to private companies to create new products and services. In order to advance the President's Management Agenda to modernize government for the 21st century, including the associated Lab-to-Market cross-agency priority (CAP) Goal in coordination with the White House Office of Science and Technology Policy (OSTP), the National Institute of Standards and Technology (NIST) is initiating an effort to refocus Federal technology transfer on sound business principles based on private investment. NIST requests information from the public regarding the current state of Federal technology transfer and the public's ability to engage with Federal laboratories and access federally funded R&D through collaborations, licensing, and other mechanisms. Responses to this RFI will inform NIST's evaluation of Federal technology transfer practices, policies, regulations, and/or laws that promote the transfer of Federal technologies and the practical application of those technologies, including through commercialization by the private sector. NIST will hold public meetings regarding the initiative and the stakeholder engagement process at the times and locations indicated below.

DATES:

For Comments:

Comments must be received by 5:00 p.m. Eastern time on July 30, 2018. Written comments in response to the RFI should be submitted according to the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections below. Submissions received after that date may not be considered.

For Public Meetings/Webcast:

A meeting will be held on May 17, 2018 from 9 a.m. to noon Pacific Time at the Silicon Valley USPTO Regional Office in San Jose, CA. Requests to participate must be received via the meeting website no later than May 15, 2018.

A meeting will be held on May 21, 2018 from 9 a.m. to noon Mountain Time at the Renaissance Denver Downtown City Center Hotel in Denver, CO. Requests to participate must be received via the meeting website no later than May 17, 2018.

A meeting will be held on May 31, 2018 from 9 a.m. to noon Central Time at the Hilton Chicago/Oak Lawn in Oak Lawn, IL. Requests to participate must be received via the meeting website no later than May 29, 2018.

A meeting and simultaneous webcast will be held on June 14, 2018 from 9 a.m. to noon Eastern Time at the NIST Campus in Gaithersburg, MD. Requests to participate must be received via the meeting website no later than June 8, 2018.

ADDRESSES:

For Comments:

Responses can be submitted by either of the following methods:

- *Agency Website: https://www.nist.gov/tpo/roi-rfi-response*. Follow the instructions for sending comments on the agency website.
- *Email: roi@nist.gov*. Include ''RFI Response: Federal Technology Transfer Authorities and Processes'' in the subject line of the message.

Instructions: Attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. NIST reserves the right to publish comments publicly, unedited and in their entirety. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

For Public Meetings/Webcast:

A May 17, 2018 public meeting will be held in the Silicon Valley USPTO Regional Office, California Room, 26 S. Fourth Street, San Jose, CA.

A May 21, 2018 public meeting will be held in the Renaissance Denver Downtown City Center Hotel, Beauty Ballroom, 918 17th Street, Denver, CO.

A May 31, 2018 public meeting will be held in the Hilton Chicago/Oak Lawn, Oak Room, 9333 S Cicero Ave, Oak Lawn, IL.

A June 14, 2018 public meeting and simultaneous webcast will be held in Building 101, West Square on the NIST

[6] *See* 19 CFR 351.218(d)(1)(iii).

[1] Analytical Perspectives, Budget of the United States Government, Fiscal Year 2019, Ch. 18. Available at *https://www.gpo.gov/fdsys/pkg/BUDGET-2019-PER/pdf/BUDGET-2019-PER.pdf.*

Campus, 100 Bureau Drive, Gaithersburg, MD.

Details about attending the meetings and accessing the June 14 webcast are available at *https://www.nist.gov/tpo/return-investment-public-forums*.

FOR FURTHER INFORMATION CONTACT: Dr. Courtney Silverthorn, Deputy Director, Technology Partnerships Office, National Institute of Standards and Technology, 100 Bureau Drive MS 2201, Gaithersburg, MD 20899, 301–975–4189, or by email to *courtney.silverthorn@nist.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal government invests approximately $150 billion per year in R&D. Of this total, approximately one-third is invested at over 300 Federal laboratories [2] across the country and approximately two-thirds is invested at universities and private sector R&D institutions. For the results of this investment to produce economic gain and maintain a strong national security innovation base, the results must be put to productive use through applied research, services to the public, and transfer to private companies to create new products and services.

Federal technology transfer policies and procedures are governed by legislation, much of which dates to the 1980s. A compilation of Federal technology transfer legislation, including the Stevenson-Wydler Technology Innovation Act of 1980 and the Bayh-Dole Act of 1980 is available online from the Federal Laboratory Consortium.[3]

Existing Federal technology transfer laws have served the Nation well over nearly four decades. These laws, which continue to support U.S. innovation, have been widely emulated by other countries. However, in an increasingly competitive environment, it is important to ask whether and how current laws, regulations, policies, and practices could more effectively promote technology transfer to productive uses, and, where appropriate, commercialization of federally developed technologies and Federal research capabilities, and also encourage public-private partnerships to reach their full potential to create value for the U.S. economy in the 21st Century. For America to maintain its position among the world's innovation leaders, it is essential that our technology transfer system functions effectively. NIST intends to engage broadly with private- and public-sector stakeholders to assess the ability of Federal technology transfer policies, practices, and efforts to meet current and future needs in a rapidly shifting technology marketplace, and to best serve U.S. competitiveness globally.

In order to advance the President's Management Agenda to modernize government for the 21st century, including the associated Lab-to-Market CAP Goal in coordination with the White House's OSTP, NIST is initiating a Return on Investment (ROI) Initiative [4] with the intent of conducting a comprehensive assessment of the Federal technology transfer system that will identify opportunities to improve Federal technology transfer efforts, policies, and practices. The goal of this effort is to, where appropriate, streamline and accelerate transfer of technology from Federal R&D investments to attract greater private-sector investment for innovative products, processes, and services, as well as new businesses and industries that will create jobs, grow the economy, and enhance national security.

NIST is seeking broad input and participation from stakeholders in Federal R&D, intellectual property, and technology transfer to assist in identifying and prioritizing issues and proposed solutions. This assessment will address: (a) Core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed; (b) approaches to improve efficiency and reduce regulatory burdens for technology transfer to attract private sector investment in later-stage R&D, commercialization, and advanced manufacturing; (c) new partnering models and technology transfer mechanisms with the private sector, academia, other Federal agencies, state, and other public-sector entities to support technology development and maturation; (d) new approaches that will reduce or remove barriers, and enable accelerated technology transfer, with a focus on areas of strategic national importance; (e) better metrics and methods to evaluate the ROI outcomes and impacts arising from Federal R&D investment; and (f) new approaches to motivate significantly increased technology transfer outcomes from the Federal sector, universities, and research organizations.

The systemic challenges to effective transfer of technology, knowledge, and capabilities from Federal R&D have been discussed in studies, some of which are highlighted on the ROI Initiative website: *www.nist.gov/tpo/roi*. These challenges include:

- High transaction costs and slow response times associated with negotiating intellectual property terms and indemnification provisions,
- Inconsistent interpretation of requirements and authorities by Federal agencies,
- Inconsistent practices across Federal agencies,
- Limitations to intellectual property rights such as (i) inability to copyright software and digital products developed by government operated laboratories and transfer copyright protection for software and digital products to benefit U.S. companies, (ii) difficulties to protecting trade secrets and know-how when Federal laboratories work in collaboration with U.S. companies, and (iii) industry concern about the scope of required government use licenses and whether and under what circumstances the government may exercise march-in rights, and
- Requiring Federal employees to leave government service to engage in entrepreneurship and spin-off of technology companies as well as Conflict of Interest ethics provisions that make it difficult for them to access the resources they need to be successful in developing and commercializing the technology.

To address these challenges, and others identified through this RFI and associated Public Forums, the ROI Initiative will utilize a multipronged process in which NIST will consider all available approaches, including:

- Identifying agency policies and best practices to promote consistent interpretation of existing authorities,
- Promulgating regulations that provide consistent interpretation of authorities across Federal agencies, consistent with agency mission, and
- If appropriate, seeking legislation to promote effective technology transfer.

II. Public Meetings

Four public meetings will be held as indicated in the **DATES** and **ADDRESSES** section. Requests to participate must be received via the meeting website at *https://www.nist.gov/tpo/return-investment-public-forums* by the dates noted for each meeting in the **DATES** section. Fifty (50) seats for each meeting

[2] Includes federally funded laboratories, *i.e.,* government owned/government operated, government owned/contractor operated (GOCO), and federally-funded research and development centers (FFRDCs).

[3] ''The Green Book: Federal Technology Transfer Legislation and Policy''. Federal Laboratory Consortium for Technology Transfer, 2013. Available at *https://www.federallabs.org/learning-center/on-demand/reference-materials/federal-technology-transfer-legislation-and-policy*.

[4] *https://www.nist.gov/tpo/return-investment-roi-initiative*.

are available on a first-come, first-served basis. All public meetings will be recorded and transcribed for internal NIST use only.

For participants attending the May 17 meeting at the USPTO Regional Office in San Jose, a government-issued photo ID is required for building access.

For participants attending the June 14 meeting at the NIST Gaithersburg campus, please note that NIST can only accept a state-issued driver's license or identification card for access to Federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of Federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Mary Lou Norris at 301–975–2002 or visit: *http://nist.gov/public_affairs/visitor/*.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, no later than seven (7) calendar days prior to the selected meeting to allow as much time as possible to process your request.

III. Request for Information

Respondents are encouraged—but are not required—to respond to each question and to present their answers after each question. The following questions cover the major areas about which NIST seeks comment. Respondents may organize their submissions in response to this RFI in any manner. Responses may include estimates, which should be identified as such.

All responses that comply with the requirements listed in the **DATES** and **ADDRESSES** sections of this RFI will be considered.

NIST is interested in receiving responses to the following questions from the stakeholder community:

(1) What are the core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed?

(2) What are the issues that pose systemic challenges to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider those identified in the RFI as well as others that may have inhibited collaborations with Federal laboratories, access to other federally funded R&D, or commercialization of technologies resulting from Federal R&D.

(3) What is the proposed solution for each issue that poses a systemic challenge to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider the approaches identified in the RFI.

(4) What are other ways to significantly improve the transfer of technology, knowledge, and capabilities resulting from Federal R&D to benefit U.S. innovation and the economy? What changes would these proposed improvements require to Federal technology transfer practices, policies, regulations, and legislation?

Authority: 15 U.S.C. 3710(g); Department Organization Order 30–2A.

Phillip A. Singerman,

Associate Director for Innovation and Industry Services.

[FR Doc. 2018–09182 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Renewal of the Advisory Committee on Commercial Remote Sensing

ACTION: Notice.

SUMMARY: The Secretary of Commerce has determined that the renewal of the Advisory Committee on Commercial Remote Sensing (ACCRES) is in the public interest in connection with the performance of duties imposed on the Department by law. ACCRES was renewed on March 8, 2018.

FOR FURTHER INFORMATION CONTACT: Samira Patel, Commercial Remote Sensing Regulatory Affairs Office, NOAA Satellite and Information Services, 1335 East-West Highway, Room 8247, Silver Spring, Maryland 20910; telephone (301) 713–7077, email *samira.patel@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Committee was first established in May 2002, to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters relating to the U.S. commercial remote-sensing industry and NOAA's activities to carry out the responsibilities of the Department of Commerce set forth in the National and Commercial Space Programs Act of 2010 (The Act) Title 51 U.S.C. 60101 *et seq.* (formally the Land Remote Sensing Policy Act of 1992 15 U.S.C. Secs. 5621–5625).

ACCRES will have a fairly balanced membership consisting of approximately 9 to 20 members serving in a representative capacity. All members should have expertise in remote sensing, space commerce or a related field. Each candidate member shall be recommended by the Assistant Administrator and shall be appointed by the Under Secretary for a term of two years at the discretion of the Under Secretary.

The Committee will function solely as an advisory body, and in compliance with provisions of the Federal Advisory Committee Act. Copies of the Committee's revised Charter have been filed with the appropriate committees of the Congress and with the Library of Congress.

This renewal is in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR part 101–6. The Secretary made the determination after consultation with GSA,

Stephen M. Volz,

Assistant Administrator for Satellite and Information Services.

[FR Doc. 2018–08994 Filed 4–30–18; 8:45 am]

BILLING CODE 3510–HR–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Credit Union Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Thursday, May 17, 2018, from approximately 9:00 a.m. to 3:00 p.m. eastern daylight time. The CUAC Card, Payment, and Deposits Markets Subcommittee, CUAC Consumer Lending Subcommittee, and CUAC Mortgages and Small Business Lending Markets Subcommittee meetings will also take place on May 17, 2018.

ADDRESSES: The meeting location is the Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Outreach and Engagement Associate, 202–435–9588, *CFPB_CABandCouncilsEvents@cfpb.gov,* Consumer Advisory Board and Councils

Office, External Affairs, 1700 G Street NW, Washington, DC 20552. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides that pursuant to the executive and administrative powers conferred on the Consumer Financial Protection Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council under agency authority.

Section 3 of the CUAC Charter states that the purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to credit unions with total assets of $10 billion or less.

II. Agenda

The Credit Union Advisory Council will discuss the Home Mortgage Disclosure Act (HMDA) and several of the Bureau's Requests for Information (RFI) related to the Call for Evidence initiative by Acting Director Mulvaney.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CUAC members for consideration. Individuals who wish to attend the Credit Union Advisory Council meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, Wednesday, May 16, 2018. Members of the public must RSVP by the due date and must include ''CUAC'' in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on Wednesday May 2, 2018, via *consumerfinance.gov*. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov*.

Dated: April 24, 2018.

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2018–09074 Filed 4–30–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Assistance for Arts Education—Assistance for Arts Education Development and Dissemination

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2018 for the Assistance for Arts Education (AAE)—Assistance for Arts Education Development and Dissemination (AAEDD) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.351D.

DATES:

Applications Available: May 1, 2018.

Date of Informational Webinar: For information about the pre-application webinar, visit the AAE website at: *https://innovation.ed.gov/what-we-do/arts/arts-in-education-model-development-and-dissemination-grants-program/*.

Deadline for Notice of Intent to Apply: May 16, 2018.

Deadline for Transmittal of Applications: July 2, 2018.

Deadline for Intergovernmental Review: August 29, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf*.

FOR FURTHER INFORMATION CONTACT: Bonnie Carter, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W223, Washington, DC 20202–5960. Telephone: (202) 401–3579. Email: *Bonnie.Carter@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The AAEDD program, which is part of the AAE program, is authorized under title IV, part F, subpart 4 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).[1] In general, the purpose of the AAE program is to promote arts education for students, including disadvantaged students and students who are children with disabilities. The AAEDD program specifically supports the development and dissemination of accessible instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines that effectively (1) increase access to standards-based arts education; (2) integrate standards-based arts education into other subjects; and (3) improve students' academic performance, including their knowledge and skills in creating, performing, and responding to the arts.

Background: The arts are included in the list of subjects in the statutory definition of a ''well-rounded education,'' the purpose of which is ''providing all students access to an enriched curriculum and educational experience'' (ESEA section 8101(52)). The AAEDD program builds on its predecessor, the Arts in Education Model Development and Dissemination (AEMDD) program, to include a focus on the development and dissemination of arts-based educational programming, including online resources, in all arts disciplines, such as music, dance, theater, and visual arts, including folk arts.

Certain activities that were supported under the AEMDD program may also be supported under the new AAEDD program, including but not limited to professional development for teachers and administrators, arts-based programming such as classroom support through the use of teaching artists, art specialists, and art therapists, and the development and dissemination of curricula, lesson plans, and software programs, such as mobile apps.

Priority: This notice includes one absolute priority. We are establishing this priority for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this

[1] Unless otherwise indicated, all references to the ESEA are to the ESEA, as amended by the ESSA.

competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priority: This priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Projects that develop, disseminate, and integrate high-quality, effective arts-based instructional materials and educational programming, including online resources, in multiple arts disciplines that (1) increase access to standards-based arts education; (2) integrate standards-based arts education into other subjects as part of a well-rounded education; and (3) improve students' academic performance, including their knowledge and skills in creating, performing, and responding to the arts.

Application Requirement: Applicants are required to provide, in the application, data from the most recent U.S. Census as evidence that the local educational agencies (LEAs) meet the statutory requirement that 20 percent or more of the students served by the LEA (or for each LEA within a consortium of LEAs) are from families with an income below the Federal poverty line.

Definitions: We are establishing the definitions of ''arts'' and ''integrate'' for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) GEPA. The definitions of ''child with a disability,'' ''local educational agency,'' and ''State educational agency'' are from section 8101 of the ESEA (20 U.S.C. 7801). The definitions of ''demonstrates a rationale,'' ''experimental study,'' ''logic model,'' ''project component,'' ''promising evidence,'' ''quasi-experimental design study,'' ''relevant outcome,'' and ''What Works Clearinghouse Handbook (WWC Handbook)'' are from 34 CFR 77.1(c).

Arts includes music, dance, theater, media arts, and visual arts, including folk arts.

Child with a disability means—

(a) A child (i) with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to as ''emotional disturbance''), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services.

(b) For a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), this term may, at the discretion of the State and the LEA, include a child (i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development; cognitive development; communication development; social or emotional development; or adaptive development; and (ii) who, by reason thereof, needs special education and related services.

Demonstrates a rationale means a key project component (as defined in this notice) included in the project's logic model (as defined in this notice) is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes (as defined in this notice).

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook (as defined in this notice):

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Integrate means to strengthen (1) the use of high-quality arts instruction in other academic/content areas; and (2) the place of the arts as a part of a well-rounded education.

Local educational agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency (as defined in this notice) other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the State Educational Agency in a State in which the State Educational Agency is the sole educational agency for all public schools.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training

teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by WWC reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting a ''positive effect'' or ''potentially positive effect'' on a relevant outcome with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an experimental study (as defined in this notice), a quasi-experimental design study (as defined in this notice), or a well-designed and well-implemented correlational study with statistical controls for selection bias (*e.g.,* a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbook.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

State educational agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

What Works Clearinghouse Handbook (WWC Handbook) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities, application requirements, and definitions. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under section 4642 of the ESSA (20 U.S.C. 7292) and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priority, application requirements, and definitions, under section 437(d)(1) of GEPA. This priority and these application requirements and definitions will apply to the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: 20 U.S.C. 7291–7292.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $14,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $525,000–$625,000 per project year.

Estimated Average Size of Awards: $575,000 per project year.

Estimated Number of Awards: 20–25.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months, depending on the availability of funds.

III. Eligibility Information

1. *Eligible Applicants:* (1) An LEA or consortium of LEAs in which 20 percent or more of the students served by the LEA or LEAs within the consortium are from families with an income below the Federal poverty line [2] (including a public charter school that meets the definition of LEA in section 8101(30) of the ESEA) (eligible LEA), and that may work in partnership with one or more of the following:

(a) An SEA;

(b) An institution of higher education;

(c) The Bureau of Indian Education; or

(d) A museum or cultural institution, or another private agency, institution, organization.

(2) An SEA; an institution of higher education; a museum or cultural institution; Bureau of Indian Education; or private agency, institution, or organization, that must partner with an eligible LEA, and that may partner with another eligible entity.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. In accordance with section 4624(b) of the ESEA, funds made available under this subpart must be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

3. *Coordination Requirement:* In accordance with section 4642(b) of the ESEA, grantees are required to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters, and to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this program.

[2] An LEA must show that at least 20 percent of students served by the LEA are from families with an income below the poverty line, based on the most recent LEA poverty estimates provided by the U.S. Census Bureau. The Census LEA poverty estimates are available at: *www.census.gov/did/www/saipe/data/index.html.*

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf*.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the AAEDD program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. An applicant may earn up to a total of 100 points based on the selection criteria. The maximum score for each criterion is indicated in parentheses. The criteria are as follows:

A. *Significance (25 points).* The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The significance of the problem or issue to be addressed by the proposed project.

(2) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(3) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

B. *Quality of the Project Design (25 points).* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(2) The extent to which the proposed project demonstrates a rationale (as defined in 34 CFR 77.1(c)).

(3) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(4) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

C. *Quality of Project Personnel (10 points).* The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of key project personnel.

(2) The qualifications, including relevant training and experience, of project consultants or subcontractors.

D. *Quality of the Management Plan (20 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(3) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

E. *Quality of the Project Evaluation (20 points).* The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(3) The extent to which the methods of evaluation will, if well implemented, produce promising evidence (as defined in 34 CFR 77.1(c)) about the project's effectiveness.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous

award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* We have established the following performance measures for the AAEDD program: (1) The percentage of students participating in arts model projects funded through the AAEDD program who demonstrate proficiency in mathematics compared to those in control or comparison groups; (2) the percentage of students participating in arts model projects who demonstrate proficiency in reading compared to those in control or comparison groups; and (3) the number of accessible, arts-based instructional materials that are developed. Grantees will report annually on each measure.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the

Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–09215 Filed 4–30–18; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9977–35—Region 3]

Clean Air Act Operating Permit Program; Petition To Object to Title V Permit for Wheelabrator Frackville Energy; Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) Administrator signed an Order, dated April 6, 2018, denying a petition to object to a title V operating permit, issued by the Pennsylvania Department of Environmental Protection (PADEP) to the Wheelabrator Frackville Energy facility in Schuylkill County, Pennsylvania. The Order responds to a December 4, 2017 petition. The petition was submitted by the Environmental Integrity Project (EIP) and the Sierra Club (Petitioners). This Order constitutes final action on that petition requesting that the Administrator object to the issuance of the proposed CAA title V permit.

ADDRESSES: Copies of the final Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA, Region III, Air Protection Division (APD), 1650 Arch St., Philadelphia, Pennsylvania 19103. EPA requests that, if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, petition, and other supporting information. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. The final Order is also available electronically at the following website: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database*.

FOR FURTHER INFORMATION CONTACT: David Talley, Air Protection Division, EPA Region III, telephone (215) 814–2117, or by email at *talley.david@epa.gov*.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to a state operating permit if EPA has not done so. Petitions must be based only on objections raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or that the grounds for objection or other issue arose after the comment period.

The December 4, 2017 petition requested that the Administrator object to the proposed title V operating permit issued by PADEP (Permit No. 54–00005) on the grounds that the proposed permit did not contain adequate monitoring and testing requirements to demonstrate compliance with the particulate matter (PM) emission limits contained in the permit. The Order denies the Petitioners' claims, finding that the Petitioners failed to demonstrate that the Permit's monitoring requirements for PM emissions are not adequate to assure compliance with the applicable PM emission limit, and explains the rationale behind EPA's decision.

Dated: April 19, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2018–09208 Filed 4–30–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0751; FRL–9976–82]

Interim Registration Review Decisions and Case Closures for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's interim registration review decision for the following chemicals: BT corn coleopteran PIP, BT corn lepidopteran PIP, clodinafop-propargyl, cyprodinil, diethylene glycol monomethyl ether (DGME), dimethomorph, fomesafen, metalaxyl/mefenoxam, methoxyfenozide, mineral acids, nitrapyrin, noviflumuron, pendimethalin, potassium hypochlorite, sodium hypochlorite and calcium hypochlorite, and verbenone. It also announces the case closures for boll weevil attractant (Case 6044 and Docket ID Number: EPA–HQ–OPP–2009–0335) and octanoate esters (Case 6027 and Docket ID Number: EPA–HQ–OPP–2017–0087), because the last U.S. registrations for these pesticides have been canceled.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the pesticide specific contact person listed under **FOR FURTHER INFORMATION CONTACT**.

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–8827; email address: *friedman.dana@epa.gov*.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed interim decisions for all pesticides listed in the Table in

Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's interim registration review decisions for the pesticides shown in the following table. The interim registration review decisions are supported by rationales included in the docket established for each chemical.

TABLE—REGISTRATION REVIEW INTERIM DECISIONS BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
BT Corn Coleopteran PIP Case 6502	EPA–HQ–OPP–2015–0584	Eric Bohnenblust, *bohnenblust.eric@epa.gov,* (703) 347–0426.
BT Corn Lepidopteran PIP Case 6501	EPA–HQ–OPP–2015–0584	Eric Bohnenblust, *bohnenblust.eric@epa.gov,* (703) 347–0426.
Clodinafop-propargyl Case 7250	EPA–HQ–OPP–2012–0424	Wilhelmena Livingston, *livingston.wilhelmena@epa.gov,* (703) 308–8025.
Cyprodinil Case 7025	EPA–HQ–OPP–2011–1008	Garland Waleko, *waleko.garland@epa.gov,* (703) 308–8049.
Diethylene Glycol Monomethyl Ether (DGME) Case 5010.	EPA–HQ–OPP–2010–0694	Stephen Savage, *savage.stephen@epa.gov,* (703) 347–0345.
Dimethomorph Case 7021	EPA–HQ–OPP–2013–0045	Linsey Walsh, *walsh.linsey@epa.gov,* (703) 347–8030.
Fomesafen Case 7211	EPA–HQ–OPP–2006–0239	Leigh Rimmer, *rimmer.leigh@epa.gov,* (703) 347–0553.
Metalaxyl/Mefenoxam Case 0081	EPA–HQ–OPP–2009–0863	Leigh Rimmer, *rimmer.leigh@epa.gov,* (703) 347–0553.
Methoxyfenozide Case 7431	EPA–HQ–OPP–2012–0663	Mark Baldwin, *baldwin.mark@epa.gov,* (703) 308–0504.
Mineral Acids Case 4064	EPA–HQ–OPP–2008–0766	Rachel Ricciardi, *ricciardi.rachel@epa.gov,* (703) 347–0465.
Nitrapyrin Case 0213	EPA–HQ–OPP–2012–0170	Thomas Harty, *harty.thomas@epa.gov,* (703) 347–0338.
Noviflumuron Case 7434	EPA–HQ–OPP–2014–0566	Katherine St. Clair, *stclair.katherine@epa.gov,* (703) 347–8778.
Pendimethalin Case 0187	EPA–HQ–OPP–2012–0219	Julie Javier, *javier.julie@epa.gov,* (703) 347–0790.
Potassium Hypochlorite Case 5076	EPA–HQ–OPP–2014–0157	Jessica Bailey, *bailey.jessica@epa.gov,* (703) 347–0148.
Sodium Hypochlorite and Calcium Hypochlorite Case 0029.	EPA–HQ–OPP–2012–0004	Jessica Bailey, *bailey.jessica@epa.gov,* (703) 347–0148.
Verbenone Case 6031	EPA–HQ–OPP–2009–0511	Chris Pfeifer, *pfeifer.chris@epa.gov,* (703) 308–0031.

The proposed interim registration review decisions for the chemicals in the table above were posted to the docket and the public was invited to submit any comments or new information. EPA addressed the comments or information received during the 60-day comment period for the proposed interim decisions in the discussion for each pesticide listed in the table. Comments from the 60-day comment period that were received may or may not have affected the Agency's interim decision. Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in the Table will remain open until all actions required in the interim decision have been completed.

This document also announces the closures of the registration review cases for boll weevil attractant (Case 6044 and Docket ID Number: EPA–HQ–OPP–2009–0335) and octanoate esters (Case 6027 and Docket ID Number: EPA–HQ–OPP–2017–0087), because the last U.S. registrations for these pesticides have been canceled. Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 19, 2018.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2018–09203 Filed 4–30–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

April 27, 2018.

TIME AND DATE: 10:00 a.m., Wednesday, May 9, 2018.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *The American Coal Company,* Docket No. LAKE 2011–13 (Issues include whether the Judge erred by applying an incorrect

legal standard in denying the Secretary's motion to approve settlement.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1–(866) 867–4769, Passcode: 678–100.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2018–09292 Filed 4–27–18; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

April 27, 2018.

TIME AND DATE: 10:00 a.m., Thursday, May 10, 2018.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *The American Coal Company,* Docket No. LAKE 2011–13 (Issues include whether the Judge erred by applying an incorrect legal standard in denying the Secretary's motion to approve settlement.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO MEETING: 1–(866) 867–4769, Passcode: 678–100.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2018–09293 Filed 4–27–18; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies, and the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies (FR Y–11 and FR Y–11S; OMB No. 7100–0244); the Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations and the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314 and FR 2314S; OMB No. 7100–0073); and the Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, and the Capital and Asset Report of Foreign Banking Organizations (FR Y–7N, FR Y–7NS, and FR Y–Q; OMB No. 7100–0125).

DATES: Comments must be submitted on or before July 2, 2018.

ADDRESSES: You may submit comments, identified by *FR Y–11, FR 2314, or FR Y–7N* by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public website at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to provide the public with reasonable opportunity to comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on all aspects of the proposal, including:

a. Whether the proposed collection of information is necessary for the proper

performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposal.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following information collections:

1. Report title: Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies and the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies.

Agency form number: FR Y–11 and FR Y–11S.

OMB control number: 7100–0244.

Frequency: Quarterly and annually.

Reporters: Domestic bank holding companies, savings and loan holding companies, securities holding companies, and intermediate holding companies (collectively, ''holding companies'').

Estimated annual reporting hours: FR Y–11 (quarterly): 12,539; FR Y–11 (annual): 1,299; FR Y–11S: 287.

Estimated average hours per response: FR Y–11 (quarterly): 6.8; FR Y–11 (annual): 6.8; FR Y–11S: 1.

Number of respondents: FR Y–11 (quarterly): 461; FR Y–11 (annual): 191; FR Y–11S: 287.

General Description of Report: The FR Y–11 family of reports collects financial information for individual U.S. nonbank subsidiaries of domestic holding companies, which is essential for monitoring the subsidiaries' potential impact on the condition of the holding company or its subsidiary banks. Holding companies file the FR Y–11 on a quarterly or annual basis or the FR Y–11S on an annual basis, predominantly based on whether the organization meets certain asset size thresholds.

Legal authorization and confidentiality: The Board has the authority to require BHCs and any subsidiary thereof, savings and loan holding companies and any subsidiary thereof, and securities holding companies and any affiliate thereof to file the FR Y–11 pursuant to, respectively, section 5(c) of the Bank Holding Company Act (''BHC Act'') (12 U.S.C. 1844(c)), section 10(b) of the Homeowners' Loan Act (12 U.S.C. 1467a(b)), and section 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') (12 U.S.C. 1850a). With respect to FBOs and their subsidiary IHCs, section 5(c) of the BHC Act, in conjunction with section 8 of the International Banking Act (12 U.S.C. 3106), authorizes the board to require FBOs and any subsidiary thereof to file the FR Y–11 reports. These reports are mandatory.

Information collected in these reports generally is not considered confidential. However, because the information is collected as part of the Board's supervisory process, certain information may be afforded confidential treatment pursuant to exemption 8 of the Freedom of Information Act (''FOIA''). (5 U.S.C. 552(b)(8)). Individual respondents may request that certain data be afforded confidential treatment pursuant to exemption 4 of FOIA if the data has not previously been publically disclosed and the release of the data would likely cause substantial harm to the competitive position of the respondent. (5 U.S.C. 552(b)(4)). Additionally, individual respondents may request that personally identifiable information be afforded confidential treatment pursuant to exemption 6 of FOIA if the release of the information would constitute a clearly unwarranted invasion of personal privacy. (5 U.S.C. 552(b)(6)). The applicability of FOIA exemptions 4 and 6 would be determined on a case-by-case basis.

2. Report title: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations and the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 and FR 2314S.

OMB control number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: U.S. state member banks, BHCs, SLHCs, IHCs, and Edge or agreement corporations.

Estimated annual reporting hours: FR 2314 (quarterly): 12,514; FR 2314 (annual): 1,485; FR 2314S: 297.

Estimated average hours per response: FR 2314 (quarterly): 6.8; FR 2314 (annual): 6.8; FR 2314S: 1.

Number of respondents: FR 2314 (quarterly): 474; FR 2314 (annual): 225; FR 2314S: 297.

General description of report: The FR 2314 family of reports is the only source of comprehensive and systematic data on the assets, liabilities, and earnings of the foreign nonbank subsidiaries of U.S. banking organizations, and the data are used to monitor the growth, profitability, and activities of these foreign companies. The data help the Federal Reserve identify present and potential problems of these companies, monitor their activities in specific countries, and develop a better understanding of activities within the industry and within specific institutions. Parent organizations (SMBs, Edge and agreement corporations, or holding companies) file the FR 2314 on a quarterly or annual basis, or the FR 2314S on an annual basis, predominantly based on whether the organization meets certain asset size thresholds.

Legal authorization and confidentiality: The Board has the authority to require BHCs and any subsidiary thereof, savings and loan holding companies and any subsidiary thereof, and securities holding companies and any affiliate thereof to file the FR 2314 pursuant to, respectively, section 5(c) of the Bank Holding Company Act (''BHC Act'') (12 U.S.C. 1844(c)), section 10(b) of the Homeowners' Loan Act (12 U.S.C. 1467a(b)), and section 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') (12 U.S.C. 1850a). The Board has the authority to require SMBs, agreement corporations, and Edge corporations to file the FR 2314 pursuant to, respectively, sections 9(6), 25(7), and 25A(17) of the Federal Reserve Act (12 U.S.C. 324, 602, and 625). With respect to FBOs and their subsidiary IHCs, section 5(c) of the BHC Act, in conjunction with section 8 of the International Banking Act (12 U.S.C. 3106), authorizes the board to require FBOs and any subsidiary thereof to file the FR 2314 reports. These reports are mandatory.

Information collected in these reports generally is not considered confidential. However, because the information is collected as part of the Board's supervisory process, certain information may be afforded confidential treatment pursuant to exemption 8 of FOIA. (5 U.S.C. 552(b)(8)). Individual respondents may request that certain data be afforded confidential treatment pursuant to exemption 4 of FOIA if the data has not previously been publically disclosed and the release of the data

would likely cause substantial harm to the competitive position of the respondent. (5 U.S.C. 552(b)(4)). Additionally, individual respondents may request that personally identifiable information be afforded confidential treatment pursuant to exemption 6 of FOIA if the release of the information would constitute a clearly unwarranted invasion of personal privacy. (5 U.S.C. 552(b)(6)). The applicability of FOIA exemptions 4 and 6 would be determined on a case-by-case basis.

3. Report title: The Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, and the Capital and Asset Report of Foreign Banking Organizations.

Agency form number: FR Y–7N, FR Y–7NS, and FR Y–7Q.

OMB control number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: Foreign bank organizations (FBOs).

Estimated annual reporting hours: FR Y–7N (quarterly): 1,224; FR Y–7N (annual): 156; FR Y–7NS: 31; FR Y–7Q (quarterly): 1,632; FR Y–7Q (annual): 48.

Estimated average hours per response: FR Y–7N (quarterly): 6.8; FR Y–7N (annual): 6.8; FR Y–7NS: 1; FR Y–7Q (quarterly): 3; FR Y–7Q (annual): 1.5.

Number of respondents: FR Y–7N (quarterly): 45; FR Y–7N (annual): 23 FR Y–7NS: 31; FR Y–7Q (quarterly): 136; FR Y–7Q (annual): 32.

General Description of Report: The FR Y–7N and the FR Y–7NS are used to assess an FBO's ability to be a continuing source of strength to its U.S. operations and to determine compliance with U.S. laws and regulations. FBOs file the FR Y– 7N quarterly or annually or the FR Y– 7NS annually predominantly based on asset size thresholds. The FR Y–7Q is used to assess consolidated regulatory capital and asset information from all FBOs. The FR Y–7Q is filed quarterly by FBOs that have effectively elected to become or be treated as a U.S. financial holding company (FHC) and by FBOs that have total consolidated assets of $50 billion or more, regardless of FHC status. All other FBOs file the FR Y–7Q annually.

Legal authorization and confidentiality: With respect to FBOs and their subsidiary IHCs, section 5(c) of the BHC Act, in conjunction with section 8 of the International Banking Act (12 U.S.C. 3106), authorizes the board to require FBOs and any subsidiary thereof to file the FR Y–7N reports, and the FR Y–7Q.

Information collected in these reports generally is not considered confidential. However, because the information is collected as part of the Board's supervisory process, certain information may be afforded confidential treatment pursuant to exemption 8 of FOIA. (5 U.S.C. 552(b)(8)). Individual respondents may request that certain data be afforded confidential treatment pursuant to exemption 4 of FOIA if the data has not previously been publically disclosed and the release of the data would likely cause substantial harm to the competitive position of the respondent. (5 U.S.C. 552(b)(4)). Additionally, individual respondents may request that personally identifiable information be afforded confidential treatment pursuant to exemption 6 of FOIA if the release of the information would constitute a clearly unwarranted invasion of personal privacy. (5 U.S.C. 552(b)(6)). The applicability of FOIA exemptions 4 and 6 would be determined on a case-by-case basis.

Proposed revisions: Under the proposal, revisions would be made to the FR Y–11, FR 2314, and FR Y–7N report forms and instructions that are consistent with certain changes to the FR Y–9 family of reports (OMB No. 7100–0128) and the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031, 041, and 051; OMB No. 7100–0036).[1] Specifically, the proposed changes would (1) add a new data item to the balance sheet to separate and reclassify equity securities with readily determinable fair values from the ''available for sale'' category in accordance with Accounting Standards update (ASU) No. 2016–01, ''Recognition and Measurement of Financial Assets and Financial Liabilities,'' and (2) add new data items to the income statement to reflect the proper reporting of income associated with these securities. These revisions would be effective for reports reflecting the June 30, 2018, report date. The Board is not proposing any revisions to the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies (FR Y–11S), the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314S), the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7NS), and the Capital and Asset Report for Foreign Banking Organizations (FR Y–7Q).

[1] See 83 **Federal Register** 939 (January 08, 2018).

Board of Governors of the Federal Reserve System, April 25, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–09083 Filed 4–30–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 25, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *PBD Holdings, LLC, Chattanooga, Tennessee;* to become a bank holding company by acquiring outstanding shares of Millennium Bancshares, Inc., Ooltewah, Tennessee, and thereby acquire shares of Millennium Bank, Ooltewah, Tennessee and AB&T Financial Corporation, and thereby acquire shares of Alliance Bank and Trust Company, both of Gastonia, North Carolina.

Board of Governors of the Federal Reserve System, April 25, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–09082 Filed 4–30–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public, limited only by room seating. The meeting room accommodates approximately 400 people. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt is June 11, 2018. Written comments must include full name, address, organizational affiliation, email address of the speaker, topic being addressed and specific comments. Written comments must not exceed one single-spaced typed page with 1-inch margins containing all items above. Only those written comments received 10 business days in advance of the meeting will be included in the official record of the meeting. Public comments made in attendance must be no longer than 3 minutes and the person giving comments must attend the public comment session at the start time listed on the agenda. Time for public comments may start before the time indicated on the agenda. The meeting will be webcast live via the World Wide Web; for instructions and more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html*.

DATES: The meeting will be held on June 20, 2018, 8:00 a.m. to 5:30 p.m., EDT, and June 21, 2018, 8:30 a.m. to 12:30 p.m. EDT.

ADDRESSES: CDC, 1600 Clifton Road NE, Tom Harkin Global Communications Center, Kent 'Oz' Nelson Auditorium, Atlanta, GA 30329–4027.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, CDC, NCIRD, telephone 404–639–8836, email *ACIP@cdc.gov*.

SUPPLEMENTARY INFORMATION: *Purpose:* The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Matters to be Considered: The agenda will include discussions on Influenza vaccines, anthrax vaccine, Japanese encephalitis vaccines, human papillomavirus vaccines, pneumococcal vaccines, zoster vaccines, pertussis vaccines, and mumps. A recommendation vote is scheduled for Influenza vaccines, anthrax vaccine. A tentative vote is scheduled human papillomavirus vaccines. Agenda items are subject to change as priorities dictate. For updated information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elizabeth Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–09097 Filed 4–30–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices: Notice of Charter Renewal

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: This gives notice under the Federal Advisory Committee Act of October 6, 1972, that the Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through April 1, 2020.

FOR FURTHER INFORMATION CONTACT: Amanda Cohn, M.D., Designated Federal Officer, Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention, Department of Health and Human Services, 1600 Clifton Road NE, Mailstop A27, Atlanta, Georgia 30329–4027, telephone (404) 639–6039, or fax (404) 315–4679.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elizabeth Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–09096 Filed 4–30–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: State Self-Assessment Review and Report.

OMB No.: 0970–0223.

Description: Section 454(15)(A) of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Act of 1996, requires each State to annually assess the performance of its child support enforcement program in accordance with standards

specified by the Secretary of the Department of Health and Human Services, and to provide a report of the findings to the Secretary. This information is required to determine if States are complying with Federal child support mandates and providing the best services possible. The report is also intended to be used as a management tool to help States evaluate their programs and assess performance.

Respondents: State Child Support Enforcement Agencies or Department/Agency/Bureau responsible for Child Support Enforcement in each State.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Self-assessment report	54	1	4	216

Estimated Total Annual Burden Hours: 216.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–09131 Filed 4–30–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Uniform Project Description (UPD) Program Narrative Format for Discretionary Grant Application Forms.

OMB No.: 0970–0139.

Description: The proposed information collection would renew the Administration for Children and Families (ACF) Uniform Project Description (UPD). The UPD provides a uniform grant application format for applicants to submit project information in response to ACF discretionary funding opportunity announcements. ACF uses this information, along with other OMB-approved information collections (Standard Forms), to evaluate and rank applications. Use of the UPD helps to protect the integrity of ACF's award selection process. All ACF discretionary grant programs are required to use this application format. An ACF application consists of general information and instructions; the Standard Form 424 series, which requests basic information, budget information, and assurances; the Project Description that requests the applicant to describe how program objectives will be achieved; a rationale for the project's budgeted costs; and other assurances and certifications. Guidance for the content of information requested in the Project Description is based in 45 CFR 75.203, 75.204, and 45 CFR part 75, Appendix I.

Respondents: Applicants to ACF Discretionary Funding Opportunity Announcements.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF Uniform Project Description	3,375	1	60	202,505

Estimated Total Annual Burden Hours: 202,505.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

ACF specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to

comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–09127 Filed 4–30–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0010]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0010–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Project Abstract Summary.

Type of Collection: Extension.

OMB No. 4040–0010.

Abstract: The ICR is for a reinstatement of a discontinued IC, Project Abstract Summary, re-assignment to OMB Control Number 4040–0010, and a 3-year expiration date. The original IC was assigned the OMB Control Number 0980–0204. The IC expired on 4/30/2015. *Grants.gov* also requests categorizing this form as a common form, meaning HHS will only request approval for its own use of the form rather than aggregating the burden estimate across all Federal Agencies as was done for previous actions on this OMB control number. Project Abstract Summary is used by applicants to apply for Federal financial assistance. The Project Abstract Summary form allows the applicants to provide a summary of the project and its objectives as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application.

Type of Respondent: The Project Abstract Summary form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Project Abstract Summary	Grant-seeking organizations	3,467	1	1	3,467
Total			1		3,467

Terry Clark,

Asst. Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2018–09135 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0013]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0013–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Disclosure of Lobbying Activities (SF–LLL).

Type of Collection: Extension.

OMB No. 4040–0013.

Abstract: Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying are used by applicants to apply for Federal financial assistance. The Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying forms allow the applicants to provide lobbying details as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of respondent: The Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Disclosure of Lobbying Activities (SF–LLL).	Grant-seeking organizations	12,675	1	1	12,675
Certification Regarding Lobbying	Grant-seeking organizations	3,952	1	0.5	1,976
Total	.....	.....	1	.....	14,651

Terry Clark,

Asst. Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2018–09136 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0007]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0007–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Assurances for Non-Construction Programs (SF424B).

Type of Collection: Extension.

OMB No. 4040–0007.

Abstract: Assurances for Non-Construction Programs (SF–424B) is used by applicants to apply for Federal financial assistance. The Assurances for Non-Construction Programs (SF–424B) form requests that the applicants certify specified required assurances as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The Assurances for Non-Construction Programs (SF–424B) form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Assurances for Non-Construction Programs (SF–424B).	Grant-seeking organizations	9,772	1	0.5	4,886
Total	.....	.....	1	.....	4,886

Terry Clark,

Asst. Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2018–09133 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0016]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0016–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request).

Type of Collection: Extension.

OMB No.: 4040–0016.

Abstract: INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) are used by applicants to apply for Federal financial assistance. The INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) forms allow the applicants to provide real property details as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
INSTRUCTIONS FOR THE SF–429 Real Property Status Report.	Grant-seeking organizations.	100,000	1	0.5	50,000
SF–429 Real Property Status Report (Cover Page).	Grant-seeking organizations.	100,000	1	1	100,000
SF–429–A Real Property Status Report ATTACHMENT A.	Grant-seeking organizations.	100,000	1	1	100,000
SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish).	Grant-seeking organizations.	100,000	1	100,000	
SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request).	Grant-seeking organizations.	100,000	1	1	100,000
Total			1		450,000

Terry Clark,

Office of the Secretary, Asst. Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018–09144 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities'' unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 10¼%, as fixed by the Secretary of the Treasury, is certified for the quarter ended March 31, 2018. This rate is based on the Interest Rates for Specific Legislation, ''National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)(1)(A))'' and ''National Research Service Award Program (42 U.S.C. 288(c)(4)(B)).'' This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: April 18, 2018.

David C. Horn,

Director, Office of Financial Policy and Reporting.

[FR Doc. 2018–09161 Filed 4–30–18; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0009]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0009–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Assurances for Construction Programs (SF–424D).

Type of Collection: Extension.

OMB No.: 4040–0009.

Abstract: Assurances for Construction Programs (SF–424D) is used by applicants to apply for Federal financial assistance. The Assurances for Construction Programs (SF–424D) form allows the applicants to provide specific assurances as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The Assurances for Construction Programs (SF–424D) form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Assurances for Construction Programs (SF–424D).	Grant-seeking organizations	353	1	0.5	176.5
Total	.....	.....	1	.....	176.5

Terry Clark,

Office of the Secretary, Asst. Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018–09134 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0003]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0003–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Application for Federal Domestic Assistance—Short Organizational.

Type of Collection: Extension.

OMB No.: 4040–0003.

Abstract: Application for Federal Domestic Assistance-Short Organizational is used by applicants to apply for Federal financial assistance. The Application for Federal Domestic Assistance-Short Organizational allows the applicants to provide organizational details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The Application for Federal Domestic Assistance-Short Organizational form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Application for Federal Domestic Assistance-Short Organizational.	Grant-seeking organizations	936	1	1	936
Total	.....	.....	1	.....	936

Terry Clark,

Office of the Secretary, Asst. Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018–09132 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0008]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0008–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Budget Information for Construction Programs (SF–424C).

Type of Collection: Extension.

OMB No.: 4040–0008.

Abstract: Budget Information for Construction Programs (SF–424C) is used by applicants to apply for Federal financial assistance. The Budget Information for Construction Programs (SF–424C) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The Budget Information for Construction Programs (SF–424C) form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Budget Information for Construction Programs (SF–424C).	Grant-seeking organizations.	239	1	1	239
Total			1		239

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018–09142 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0014]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0014–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A).

Type of Collection: Extension.

OMB No.: 4040–0014.

Abstract: Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) are used by applicants to apply for Federal financial assistance. The Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) forms allow the applicants to provide certain financial information as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
The Federal Financial Report (SF–425).	Grant-seeking organizations	100,000	1	1	100,000
The Federal Financial Report Attachment (SF–425A).	Grant-seeking organizations	100,000	1	1	100,000
Total	.....	.....	1	.....	200,000

Terry Clark,

Office of the Secretary, Asst. Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018–09143 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0006]

Agency Information Collection Request. 60-day Public Comment Request

AGENCY: Office of the Secretary, HHS

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0006–60D and project title for reference to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Budget Information for Non-Construction Programs (SF–424A).

Type of Collection: Extension.

OMB No. 4040–0006.

Abstract: Budget Information for Non-Construction Programs (SF–424A) is used by applicants to apply for Federal financial assistance. The Budget Information for Non-Construction Programs (SF–424A) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. *Grants.gov* seeks a 3-year extension.

Type of Respondent: The Budget Information for Non-Construction Programs (SF–424A) form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Budget Information for Non-Construction Programs (SF–424A).	Grant-seeking organizations	12,775	1	1	12,775
Total	.....	.....	1	.....	12,775

Terry Clark,

Office of the Secretary, Asst. Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018–09141 Filed 4–30–18; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Role of Proteostasis on Aging and AD.

Date: May 29, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W 200, 7201 Wisconsin Avenue, Bethesda, MD (Telephone Conference Call).

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–496–9667, *nijaguna.prasad@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 26, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–09157 Filed 4–30–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-day Comment Request; Division of Extramural Research and Training (DERT) Extramural Grantee Data Collection National Institute of Environmental Health Science (NIEHS)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, to provide opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Kristianna Pettibone, Evaluator, Program Analysis Branch, NIEHS, NIH, 530 Davis Dr., Room 3055, Morrisville, NC 20560, or call non-toll-free number (984) 287–3303 or Email your request, including your address to: *pettibonekg@niehs.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Division of Extramural Research and Training (DERT) Extramural Grantee Data Collection, 0925–0657, Expiration Date 07/31/2018—REVISION, National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

Need and Use of Information Collection: In order to make informed management decisions about its research programs and to demonstrate the outputs, outcomes and impacts of its research programs NIEHS will collect, analyze and report on data from extramural grantees who are currently receiving funding or who have received funding in the past on topics such as: (1) Key scientific outcomes achieved through the research and the impact on the field of environmental health science; (2) Contribution of research findings to program goals and objectives; (3) Satisfaction with the program support received; (4) Challenges and benefits of the funding mechanism used to support the science; and (5) Emerging research areas and gaps in the research.

Information gained from this primary data collection will be used in conjunction with data from grantee progress reports and presentations at grantee meetings to inform internal programs and new funding initiatives. Outcome information to be collected includes measures of agency-funded research resulting in dissemination of findings, investigator career development, grant-funded knowledge and products, commercial products and drugs, laws, regulations and standards, guidelines and recommendations, information on patents and new drug applications and community outreach and public awareness relevant to extramural research funding and emerging areas of research. Satisfaction information to be collected includes measures of satisfaction with the type of funding or program management mechanism used, challenges and benefits with the program support received, and gaps in the research. *Frequency of Response:* Once per grantee, per research portfolio. *Affected Public:* Current or past grantees from:

- *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD);
- National Institute on Deafness and Other Communication Disorders (NIDCD);
- National Institute of Mental Health (NIMH);
- National Institute of Neurological Disorders and Stroke (NINDS);
- National Institute of Environmental Health Sciences (NIEHS);
- National Cancer Institute (NCI); and
- Environmental Protection Agency (EPA).

OMB approval is requested for 3 years. There are no costs to respondents, other than their time. The total estimated annualized burden hours are 800.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
NICHD Grantee	200	1	30/60	100
NIDCD Grantee	200	1	30/60	100
NIMH Grantee	200	1	30/60	100
NINDS Grantee	200	1	30/60	100
NCI Grantee	400	1	30/60	200
NIEHS Grantee	200	1	30/60	100
EPA Grantee	200	1	30/60	100
Total	1,600	1,600		800

Dated: April 18, 2018.

Jane M. Lambert,

Project Clearance Liaison, NIEHS, NIH.

[FR Doc. 2018–09207 Filed 4–30–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

Date: May 30–31, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel Fisherman's Wharf, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Nuria E. Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.

Date: May 30–31, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–101: Pilot and Feasibility Clinical Research Grants in Urological Disorder.

Date: May 30, 2018.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ganesan Ramesh, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–089: Imaging and Biomarkers for Early Detection of Aggressive Cancer.

Date: May 30, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 26, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–09158 Filed 4–30–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, 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 Library of Medicine Special Emphasis Panel; COI/Career Award.

Date: July 27, 2018.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Room 3181, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yanli Wang, Ph.D., Health Data Scientist, Division of Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4933, *yanli.wang@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 25, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–09155 Filed 4–30–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Neuroscience of Aging Review Committee, NIA–N.

Date: June 5–6, 2018.

Time: 8:00 a.m. to 12:01 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites by Hilton Denver International Airport, 7001 Yampa Street, Denver, CO 80249.

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–402–1622, *bissonettegb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 26, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–09156 Filed 4–30–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Government Performance and Results Act (GPRA) Client/Participant Outcomes Measure—(OMB No. 0930–0208)—Revision

SAMHSA is requesting approval to add 13 new questions to its existing CSAT Client-level GPRA instrument. Grantees will only be required to answer no more than four additional questions, per CSAT grant awarded, in addition to the other questions on the instrument. Currently, the information collected from this instrument is entered and stored in SAMSHA's Performance Accountability and Reporting System, which is a real-time, performance management system that captures information on the substance abuse treatment and mental health services delivered in the United States. Continued approval of this information collection will allow SAMHSA to continue to meet Government Performance and Results Modernization Act of 2010 reporting requirements that quantify the effects and accomplishments of its discretionary grant programs, which are consistent with OMB guidance.

SAMHSA and its Centers will use the data for annual reporting required by GPRA and comparing baseline with discharge and follow-up data. GPRA requires that SAMHSA's fiscal year report include actual results of performance monitoring for the three preceding fiscal years. The additional information collected through this process will allow SAMHSA to: (1) Report results of these performance outcomes; (2) maintain consistency with SAMHSA-specific performance domains, and (3) assess the accountability and performance of its discretionary and formula grant programs.

Proposed changes include the addition of 13 questions to the instrument. The proposed questions are:

1. Behavioral Health Diagnoses—Please indicate patient's current behavioral health diagnoses using the International Statistical Classification of Diseases, 10th revision, Clinical Modification (ICD–10–CM) codes listed below: (Select from list of Substance Use Disorder Diagnoses and Mental Health Diagnoses)

2. [For grantee, at discharge and follow-up] Which of the following occurred for the client, as a result of receiving treatment?

a. Client was reunited with child (children)
b. Client avoided out of home placement for child (children)
c. None of the above

3. [For grantee] Please indicate the following:

a. Was this client diagnosed with an opioid use disorder? (Yes/No)
   i. If yes, indicate which FDA-approved medication the client received for the treatment of opioid use disorder. (Methadone, Buprenorphine, Naltrexone, Extended-release naltrexone, Client did not receive an FDA-approved medication for opioid use disorder)
   1. If client received an FDA-approved medication for opioid use disorder, indicate the number of days the client received medication.
b. Was the client diagnosed with an alcohol use disorder? (Yes/No)
   i. If yes, indicate which FDA-approved medication the client received for alcohol use disorder. (Naltrexone, Extended-release Naltrexone, Disulfiram, Acamprosate, Client did not receive an FDA-approved medication for alcohol use disorder)
   1. If client received an FDA-approved medication for alcohol use disorder, indicate the number of days the client received medication

4. [For client] Did the [insert grantee name] help you obtain any of the following benefits?

a. Private health insurance
b. Medicaid
c. SSI/SSDI
d. TANF
e. SNAP

5. [For client] Which of the following were achieved as a result of receiving services or supports from [insert grantee name]?

a. Enrolled in school
b. Enrolled in vocational training
c. Currently employed
d. Living in stable housing

6. [For client] Please indicate the degree to which you agree or disagree with the following statement (Strongly Disagree, Disagree, Undecided, Agree, Strongly Agree).

a. Receiving treatment in a non-residential setting has enabled me to maintain parenting and family responsibilities while receiving treatment.

7. [For client] Please indicate the degree to which you agree or disagree with the following statement (Strongly Disagree, Disagree, Undecided, Agree, Strongly Agree).

a. Receiving treatment in a residential setting with my child (children) enabled me to focus on my treatment without the distractions of parenting and family responsibilities.
b. As a result of treatment, I feel I now have the skills and supports to balance parenting and managing my recovery.

8. [For grantee] Please indicate which type of funding was/will be used to pay for the SBIRT services provided to this client. (check all that apply):

a. Current SAMHSA grant funding
b. Other federal grant funding
c. State funding
d. Client's private insurance
e. Medicaid/Medicare
f. Other (Specify)

9. [For grantee at baseline] If client screened positive for substance misuse or a substance use disorder, was the client assigned to the following types of services?

1. Brief Intervention (Yes/No)
2. Brief Treatment (Yes/No)
3. Referral to Treatment (Yes/No)

[For grantee at follow-up and discharge] Did the client receive the following types of services?

1. Brief Intervention (Yes/No)
2. Brief Treatment (Yes/No)

3. Referral to Treatment (Yes/No)

10. [For grantee] Did this client get screened and referred to treatment for an opioid use disorder or an alcohol use disorder? Yes/No

a. If yes, did they receive an FDA-approved medication for the treatment of opioid use disorder or alcohol use disorder? Yes/No
   i. If yes, specify the FDA-approved medication (methadone, buprenorphine, naltrexone, extended-release naltrexone) for opioid use disorder.
   ii. If yes, specify the FDA-approved medication (naltrexone, extended-release naltrexone, disulfiram, acamprosate) for alcohol use disorder.

11. [For client] Did the program provide the following: (Asked of client at follow up)

a. HIV test—Yes/No
   i. If yes, the result was—Positive/Negative/Indeterminate/Don't know
   ii. If the result was Positive were you connected to treatment services—Yes/No
b. Hepatitis B (HBV) test—Yes/No
   i. If yes, the result was—Positive/Negative/Indeterminate/Don't know
   ii. If the result was Positive were you connected to treatment services—Yes/No
c. Hepatitis C (HCV) test—Yes/No
   i. If yes, the result was—Positive/Negative/Indeterminate/Don't know
   ii. If the result was Positive were you connected to treatment services—Yes/No

12. [For client] Indicate the degree to which you agree or disagree with each of the following statements by using: Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree, Not Applicable

a. The use of technology accessed through (insert grantee or program name) helped me
   i. Communicate with my provider
   ii. Reduce my substance use
   iii. Manage my mental health symptoms
   iv. Support my recovery

13. [For client] To what extent has this program improved your quality of life? (To a Great Extent, Somewhat, Very Little, Not at All)

TABLE 1—ESTIMATES OF ANNUALIZED HOUR BURDEN

SAMHSA tool	Number of respondents	Responses per respondent	Total number of responses	Burden hours per response	Total burden hours
Baseline Interview Includes SBIRT Brief TX, Referral to TX, and Program-specific questions	179,668	1	179,668	0.60	107,801
Follow-Up Interview with Program-specific questions [1]	143,734	1	143,734	0.60	86,240
Discharge Interview with Program-specific questions [2]	93,427	1	93,427	0.60	56,056
SBIRT Program—Screening Only	594,192	1	594,192	0.13	77,245
SBIRT Program—Brief Intervention Only Baseline	111,411	1	111,411	.20	22,282
SBIRT Program—Brief Intervention Only Follow-Up [1]	89,129	1	89,129	.20	17,826
SBIRT Program—Brief Intervention Only Discharge [2]	57,934	1	57,934	.20	11,587
CSAT Total	885,271		1,269,495		379,037

Note: Numbers may not add to the totals due to rounding and some individual participants completing more than one form.
[1] It is estimated that 80% of baseline clients will complete this interview.
[2] It is estimated that 52% of baseline clients will complete this interview.

Send comments to Summer King, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57–B, Rockville, Maryland 20857, *OR* email a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received by July 2, 2018.

Summer King,

Statistician.

[FR Doc. 2018–09146 Filed 4–30–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at *http://www.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240–276–2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920)

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug

Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance-testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories).

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624 844–486–9226.

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

Dynacare*, 245 Pall Mall Street, London, ONT, Canada N6A 1P4 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

Legacy Laboratory Services—MetroLab, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159.

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only.

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on January 23, 2017 (82 FR 7920). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Dated: April 26, 2018.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2018–09178 Filed 4–30–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0068]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to modify and reissue a current Department of Homeland Security system of records titled, ''Department of Homeland Security/ALL–039 Foreign Access Management System of Records.'' The Department of Homeland is updating this system of records notice to correctly reflect the categories of individuals impacted and modify the routine uses. This system of records allows the Department of Homeland Security to collect and maintain records on foreign nationals who request physical or information technology system access to the Department of Homeland Security and other U.S. Government partner agencies for which the Department of Homeland Security provides screening support. These individuals may include U.S. citizens and lawful permanent residents representing foreign interests; lawful permanent residents providing construction and contractual services for the Department of Homeland Security and other U.S. Government partner agencies; foreign visitors to fusion centers or tribal, territorial, state, and local government homeland security programs; and reported foreign contacts of Department of Homeland Security and other U.S. Government employees outside the scope of the employee's official activities required for personnel security purposes.

Additionally, the Department of Homeland Security is issuing a modified Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the **Federal Register**. This modified system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before May 31, 2018. This modified system will be effective upon publication. New or modified routine uses will be effective May 31, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0068 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0009. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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

FOR FURTHER INFORMATION CONTACT: For general and privacy-related questions, please contact: Philip S. Kaplan, (202) 343–1717, *Privacy@hq.dhs.gov,* Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) proposes to modify and reissue a current DHS system of records titled, ''DHS/ALL–039 Foreign Access Management System of Records.''

DHS is publishing this system of records notice (SORN) to update the categories of individuals and modify the routine uses. In the original SORN, the categories of individuals indicated that dual U.S. citizens and lawful permanent residents (LPR) representing foreign interests were included. This SORN is being updated to indicate that all U.S. citizens representing foreign interests are included in the categories of individuals, not just dual U.S. citizens. Routine use E, which deals with a suspected or confirmed breach of the system or information, has been modified and is now covered in routine uses E and F. This is to meet the requirements of OMB M–17–12. All subsequent routines uses have been re-lettered.

This SORN provides transparency on how DHS collects, uses, maintains, and disseminates information relating to foreign nationals who seek access to DHS and partner U.S. Government (USG) agency personnel, information, facilities, programs, research, studies, and information technology (IT) systems. The DHS Office of the Chief Security Officer (OCSO)/Center for International Safety & Security (CISS) Foreign Access Management (FAM) program uses the Foreign Access Management System (FAMS) to manage the risk assessment process for foreign nationals requesting access to DHS and partner agencies. DHS is responsible for conducting screening of all foreign nationals and foreign entities seeking access to DHS personnel, information, facilities, programs, and IT systems, including: U.S. citizens and lawful permanent residents (LPR) representing foreign interests; and foreign contacts and foreign visitors reported by DHS. This SORN also covers the screening of LPRs who provide construction or contractual services (*e.g.,* food services, janitorial services) to the U.S. Government, and DHS or USG federal employees that sponsor foreign national access to USG facilities or report foreign contacts who have met and/or befriended such contacts and visitors outside the scope of the employee's official duties.

As part of a government-wide pilot, DHS will also conduct foreign access management screening activities for federal agencies other than DHS participating in the pilot. DHS may also screen foreign visitors to fusion centers or tribal, territorial, state, and local government homeland security programs.

Lastly, DHS uses FAMS records to screen foreign contacts of DHS employees outside the scope of the employee's official activities. DHS and other USG employees and contractors with access to Sensitive Compartmented Information or other special program access have a responsibility to report all foreign contacts that are of a close, continuing personal association and any contacts with known or suspected intelligence officers from any country. Reporting of contact with foreign nationals is not intended to inhibit or discourage contact with foreign nationals. Rather, it permits the Government to manage and assess the risk posed by certain foreign individuals who seek to exploit personal relationships for purposes of collecting classified or sensitive information.

Foreign nationals accessing DHS or a partner USG agency in any of the capacities listed above undergo DHS screening. In addition, foreign nationals may be screened as a result of foreign contact reporting for personnel security purposes. The foreign national screening process consists of both internal and external identity checks. The OCSO/CISS validates the foreign national identifying information provided.

DHS shares vetting, as well as any security anomalies or derogatory information identified through the

vetting process, with DHS components and partner USG agencies. DHS will maintain information on any security incidents or suspicious activities recorded during the foreign national's access to DHS or partner USG agencies. The information is shared by secure means commensurate with the classification of the information to be shared.

Consistent with DHS's information sharing mission, information stored in the DHS/ALL–039 Foreign Access Management System of Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice. However, to limit the scope of sharing with foreign partners, DHS will consider a foreign entity's ability to safeguard personally identifiable information (PII), and its commitment to and history of safeguarding such information, when determining whether to share records containing PII.

Additionally, DHS is issuing an updated Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act elsewhere in the **Federal Register**. This modified system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/ALL–039 Foreign Access Management System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/ALL–039 Foreign Access Management System of Records.

SECURITY CLASSIFICATION:

Unclassified and Classified.

SYSTEM LOCATION:

Records are maintained at the Department of Homeland Security Headquarters in Washington, DC and field offices. Electronic records are stored in the Integrated Security Management System (ISMS) as well as in a classified network database.

SYSTEM MANAGER(S):

Director, Center for International Safety & Security, Office of the Chief Security Officer, Department of Homeland Security, 301 7th Street SW, DC 20024.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 40 U.S.C. 1315; 40 U.S.C. 11331; the Economy Act of 1932, *as amended;* the Counterintelligence Enhancement Act of 2002; the Intelligence Reform and Terrorism Prevention Act; E.O. 12977; E.O. 13286; E.O. 13549; Presidential Policy Directive/PPD–21, ''Critical Infrastructure Security and Resilience'' (February 12, 2013); DCI Directive 6/4, ''Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information (SCI)'' (July 2, 1998); and Presidential Decision Directive (PDD)/NSC–12, ''Security Awareness and Reporting of Foreign Contacts'' (August 5, 1993).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to perform screening for foreign nationals seeking access to DHS and partner USG agency personnel, information, facilities, programs, research, studies, and IT systems. This system is also used to screen foreign contacts and foreign visitors reported by DHS and partner USG agency employees who have met and/or befriended such contacts and visitors outside the scope of the employee's official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Foreign nationals and foreign entities seeking access to USG personnel, information, facilities, programs, research, studies, and IT systems, including: U.S. citizens and lawful permanent residents (LPR) representing foreign interests; and foreign contacts and foreign visitors reported by DHS. These include, when requested, foreign visitors to fusion centers or tribal, territorial, state, and local government homeland security programs, and foreign contacts of USG employees who have met or befriended such contacts and visitors outside the scope of the employee's official duties. Further, DHS or USG federal employees that sponsor foreign national access to USG or report foreign contacts outside the scope of their normal employment duties. Finally, LPRs providing construction or contractual services (*e.g.,* food services, janitorial services).

CATEGORIES OF RECORDS IN THE SYSTEM:

For foreign nationals:

- Full name;
- Alias(es);
- Gender;
- Date of birth;
- Place of birth;
- City/country of residence;
- Country of citizenship;
- Passport information (country of issue, number, expiration date);
- Passport copy;
- Photograph;
- Address;
- Telephone number(s);
- Email Address(es);
- Country sponsoring the visit;
- Stated reason for the visit;
- DHS component sponsoring the visit;
- Diplomatic identification information;
- Organization represented, title, or position held;
- Actual employment information (including job title and employer contact information);
- Visa information (type, number, expiration date, and issuance location);
- Foreign Access Management System number;
- Alien registration number; and
- Potential anomalous or derogatory information identified as part of screening and vetting results.

For USG federal employees:

- Full name;
- Title;
- Organization and component;
- Phone number; and
- Email address.

RECORD SOURCE CATEGORIES:

DHS obtains information directly from the federal employee sponsor, and the DHS or USG employee providing the information to DHS for screening. DHS

also obtains information from the other DHS and federal systems for vetting purposes, including:

1. U.S. Customs and Border Protection (CBP) Advance Passenger Information System (APIS): DHS/CBP–005 APIS, 80 FR 13407 (March 13, 2015);
2. CBP Arrival and Departure Information System (ADIS): DHS/CBP–021 ADIS, 80 FR 72081 (November 18, 2015);
3. CBP Automated Targeting System (ATS): DHS/CBP–006 ATS, 77 FR 30297 (May 22, 2012);
4. CBP TECS: DHS/CBP–011 TECS, 73 FR 77778 (December 19, 2008).
5. U.S. Immigration and Customs Enforcement (ICE) Criminal Arrest Records and Immigration Enforcement Records (CARIER): DHS/ICE–011 CARIER, 81 FR 72080 (October 19, 2016); and
6. ICE Student and Exchange Visitor Information System (SEVIS): DHS/ICE–001 SEVIS, 75 FR 412 (January 5, 2010).
7. National Protection and Programs Directorate (NPPD) Office of Biometric Identity Management (OBIM) Automated Biometric Identification System (IDENT): DHS/US–VISIT–004 DHS IDENT, 72 FR 31080 (June 5, 2007);
8. U.S. Citizen and Immigration Services (USCIS) Alien File, Index, and National File Tracking System (A-File): DHS/USCIS/ICE/CBP–001 A-File, 82 FR 43556 (September 18, 2017);
9. USCIS Benefits Information System (BIS): DHS/USCIS–007 BIS, 81 FR 72069 (October 19, 2016);

DHS also obtains information from intelligence community classified systems for screening and vetting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records.

H. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

I. To federal and foreign government intelligence or counterterrorism agencies or components when DHS becomes aware of an indication of a threat or potential threat to national or international security, or when such use is to conduct national intelligence and security investigations or assist in anti-terrorism efforts and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

J. To federal government intelligence or counterterrorism agencies or components to facilitate CISS screening checks.

K. To other federal agencies to assist in their determination of whether to grant a requesting foreign national with access to that federal agency.

L. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS is aware of a need to use relevant data for purposes of testing new technology.

M. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by foreign contact or USG employee name, or other personal identifiers listed in the categories of records, above.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA-approved retention schedule N1–563–09–1, DHS retains information collected on foreign

visitors for screening in FAMS and in the Classified Local Area Network (C–LAN) access database for twenty years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act, and consequently those of the Judicial Redress Act if applicable. However, DHS will consider individual requests to determine whether or not information may be released. Thus, individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and Chief Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief FOIA Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why you believe the Department would have information on him/her;
- Identify which component(s) of the Department the individual believes may have the information about him/her;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from the second individual certifying his/her agreement for the first individual to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). When this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

HISTORY:

DHS/ALL–039 Foreign Access Management System of Records, 82 FR 34971 (July 27, 2017).

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–09196 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

[Docket ID DHS–2018–0019]

The President's National Security Telecommunications Advisory Committee

AGENCY: National Protection and Programs Directorate, Department of Homeland Security.

ACTION: Committee management; notice of federal advisory committee meeting.

SUMMARY: The President's National Security Telecommunications Advisory Committee (NSTAC) will meet on Thursday, May 17, 2018, in Washington, DC. The meeting will be partially closed to the public.

DATES: The NSTAC will meet on Thursday, May 17, 2018, from 9:30 a.m. to 3:30 p.m. Eastern Time (ET). Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The May 2018 NSTAC Meeting will be held at the Eisenhower Executive Office Building, Washington, DC. Due to limited seating, requests to attend in person will be accepted and processed in the order in which they are received. The meeting's proceedings will also be available via Webcast at *http://www.whitehouse.gov/live,* for those who cannot attend in person. Individuals who intend to participate in the meeting will need to register by sending an email to *NSTAC@hq.dhs.gov* by 5:00 p.m. ET on Friday, May 11, 2018. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, or to attend in person, contact *NSTAC@hq.dhs.gov* as soon as possible. Members of the public are invited to provide comment on the issues that will be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated briefing materials that participants may discuss during the meeting will be available at *www.dhs.gov/nstac* for review as of Friday, May 4, 2018. Comments may be submitted at any time and must be identified by docket number DHS–2018–0019. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting written comments.
- *Email: NSTAC@hq.dhs.gov.* Include the docket number DHS–2018–0019 in the subject line of the email.

• *Fax:* (703) 705–6190, ATTN: Sandy Benevides.

• *Mail:* Helen Jackson, Designated Federal Officer, Stakeholder Engagement and Critical Infrastructure Resilience Division, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane, Mail Stop 0612, Arlington, VA 20598–0612.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number DHS–2018–0019. Comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received by the NSTAC, please go to *www.regulations.gov* and enter docket number DHS–2018–0019.

A public comment period will be held during the meeting on Thursday, May 17, 2018, from 2:40 p.m. to 3:00 p.m. ET. Speakers who wish to participate in the public comment period must register in advance by no later than Friday, May 11, 2018, at 5:00 p.m. ET by emailing *NSTAC@hq.dhs.gov.* Speakers are requested to limit their comments to three minutes and will speak in order of registration. Please note that the public comment period may end before the time indicated, following the last request for comments.

FOR FURTHER INFORMATION CONTACT: Helen Jackson, NSTAC Designated Federal Officer, Department of Homeland Security, (703) 705–6276 (telephone) or *helen.jackson@hq.dhs.gov* (email).

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix (Pub. L. 92–463). The NSTAC advises the President on matters related to national security and emergency preparedness (NS/EP) telecommunications and cybersecurity policy.

Agenda: The committee will meet in an open session on May 17, 2018, receive remarks from Department of Homeland Security (DHS) leadership and other senior Government officials regarding the Government's current cybersecurity initiatives and NS/EP priorities. The meeting will include a keynote address and a debate consisting of great thinkers in cybersecurity. NSTAC members will also receive a status update on the NSTAC Cybersecurity Moonshot Subcommittee's examination of concepts related to a Cybersecurity Moonshot, which has two primary objectives: (1) Defining an ambitious but achievable outcome-focused end goal for the cybersecurity environment; and (2) defining the structure and process necessary to successfully execute against the identified end goal.

The committee will also meet in a closed session to receive a classified briefing regarding cybersecurity threats and discuss future studies based on the Government's NS/EP priorities and perceived vulnerabilities.

Basis for Closure: In accordance with 5 U.S.C. 552b(c), The Government in the Sunshine Act, it has been determined that two agenda items require closure, as the disclosure of the information discussed would not be in the public interest. The first of these agenda items, the classified briefing, will provide members with a cybersecurity threat briefing on vulnerabilities related to the communications infrastructure. Disclosure of these threats would provide criminals who seek to compromise commercial and Government networks with information on potential vulnerabilities and mitigation techniques, weakening the Nation's cybersecurity posture. This briefing will be classified at the top secret/sensitive compartmented information level, thereby exempting disclosure of the content by statute. Therefore, this portion of the meeting is required to be closed pursuant to 5 U.S.C. 552b(c)(1)(A) & (B). The second agenda item, a discussion of potential NSTAC study topics, will address areas of critical cybersecurity vulnerabilities and priorities for government. Government officials will share data with NSTAC members on initiatives, assessments, and future security requirements across public and private sector networks. The information will include specific vulnerabilities within cyberspace that affect the United States' information and communications technology infrastructures and proposed mitigation strategies. Disclosure of this information to the public would provide criminals with an incentive to focus on these vulnerabilities to increase attacks on the Nation's critical infrastructure and communications networks. As disclosure of this portion of the meeting is likely to significantly frustrate implementation of proposed DHS actions, it is required to be closed pursuant to 5 U.S.C. 552b(c)(9)(B).

Helen Jackson,

Designated Federal Officer for the NSTAC.

[FR Doc. 2018–09234 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–9X–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0001]

Privacy Act of 1974; System of Records

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security/U.S. Citizenship and Immigration Services proposes to modify and reissue a current Department of Homeland Security system of records, Department of Homeland Security/U.S. Citizenship and Immigration Services—012, ''United States Citizenship and Immigration Services—012 Citizenship and Immigration Data Repository.'' The Citizenship and Immigration Data Repository is a mirror copy of the U.S. Citizenship and Immigration Services' major immigrant and non-immigrant unclassified benefits databases combined into a single user interface and presented in an updated searchable format on the classified network. This system of records is being updated to clarify categories of records, add the Password Issuance and Control System Identification Number as a retrievable data element, update the retention period for records maintained in CIDR; update routine use E and add routine use F to comply with new policy contained in Office of Management and Budget Memorandum M–17–12; update the record source categories, update the system manager information; and explain limitations set by law to the exemptions claimed for this system. Furthermore, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice and to provide further transparency as to how the system is used, in alignment with the recently republished Privacy Impact Assessment, DHS/USCIS/PIA–031(a) Citizenship & Immigration Data Repository. This modified system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before May 31, 2018. This modified system will be effective upon publication. Modified routine use E and new routine use F will be effective May 31, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0001 by one of the following methods:

• *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Fax:* 202–343–4010.

• *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Donald K. Hawkins, *uscis.privacycompliance@uscis.dhs.gov,* 202–272–8030, Privacy Officer, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529. For privacy questions, please contact: Philip S. Kaplan, *Privacy@hq.dhs.gov,* (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) proposes to modify and reissue a current DHS system of records titled, ''United States Citizenship and Immigration Services—012 Citizenship and Immigration Data Repository.'' USCIS is modifying this system of records notice (SORN) to add clarity as to the categories of records in the system and to provide further transparency as to how the system is used, in alignment with the recently republished Privacy Impact Assessment (PIA) for the system.

USCIS collects personally identifiable information (PII) directly from and about immigrants and nonimmigrants through applications, petitions, and other request forms for the purposes of adjudicating and bestowing immigration benefits. USCIS maintains a number of systems to facilitate these purposes including: The Computer Linked Application Information Management System (CLAIMS 3); CLAIMS 4; the Refugees, Asylum, and Parole System (RAPS); Asylum Pre-screen System (APSS); the legacy Re-engineered Naturalization Application Casework System (RNACS) (through the Enterprise Citizenship and Immigrations Services Centralized Operation Repository (eCISCOR)); Central Index System (CIS); and the Fraud Detection and National Security Data System (FDNS–DS). More information about these systems is available at *www.dhs.gov/privacy.*

USCIS developed CIDR, hosted on DHS classified networks, in order to make information from these USCIS systems available to authorized USCIS personnel for the purposes of: (1) Vetting USCIS application information for indications of possible immigration fraud, public safety, and national security concerns when classified information must be cross-referenced with unclassified data in USCIS data sets, (2) detecting possible fraud by USCIS employees, including but not limited to potential misuse of immigration information or position by USCIS employees, and responding to similar tips or referrals received from other federal agencies via classified channels, and (3) responding to requests for information (RFI), based on classified criteria, from the DHS Office of Intelligence and Analysis (I&A) and/or federal intelligence and law enforcement community members. CIDR enables authorized USCIS users to more efficiently search multiple USCIS systems from a single entry point, the results of which will be retained in CIDR. CIDR's placement on DHS classified networks allows USCIS to securely conduct searches based on classified parameters and searches based on fraud and national security concerns.

Consistent with DHS's information sharing mission, information stored in CIDR may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, USCIS may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with routine uses H and I set forth in this system of records notice. Even when a valid routine use permits disclosure of information from CIDR to a third party, there may be occasions when disclosures may not be permissible because of confidentiality laws and policies that limit the sharing of information regarding individuals applying for certain immigration or non-immigration benefits.

Separately, USCIS republished a PIA, DHS/USCIS/PIA–031(a) Citizenship & Immigration Data Repository, to provide additional notice of the new functionality being incorporated into CIDR. This PIA can be found at *www.dhs.gov/privacy.*

USCIS is modifying this SORN to provide public notice of the following: (1) Categories of records have been clarified to provide notice of the information that is collected for each stated purpose; (2) the Password Issuance and Control System (PICS) Identification Number has been added as a data element by which information about USCIS users of CIDR's underlying systems may be retrieved; (3) retention period for records maintained in CIDR have been updated; (4) routine use E has been updated and routine use F has been added to comply with requirements set forth by OMB Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' (Jan. 3, 2017); (5) record source categories have been updated to provide further transparency as to the data sources that will be incorporated into CIDR; (6) system manager information has been updated; and (7) exemptions claimed for this system remain in effect. Furthermore, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

Previously, DHS issued a final rule published on December 28, 2010 (75 FR 81371) at 6 CFR part 5, Appendix C, paragraph 53 exempting this system from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). This rule remains in effect. To the extent USCIS maintains a record received from a law enforcement system that has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions. This modified system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework, governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/USCIS–012 Citizenship and Immigration Services Data Repository (CIDR) System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this

system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

United States Citizenship and Immigration Services—012 Citizenship and Immigration Data Repository.

SECURITY CLASSIFICATION:

Unclassified and Classified.

SYSTEM LOCATION:

Records are maintained at the USCIS Headquarters at 111 Massachusetts Ave. NW, Washington, DC.

SYSTEM MANAGER:

Chief, Program Management Office, Fraud Detection and National Security Directorate, USCIS, *FDNSCommunications@uscis.dhs.gov,* 111 Massachusetts Avenue NW, Washington, DC, 20529.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Immigration and Nationality Act, sections 101 and 103, as amended (8 U.S.C. 1101 and 1103), and the regulations issued pursuant thereto; sec. 453 and 454 of the Homeland Security Act of 2002 (Pub. L. 107–296); Executive Order 12958, and as amended; E.O. 13388; and E.O. 12333, and as amended.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to (1) vet USCIS application information for indications of possible immigration fraud, public safety, and national security concerns when classified information must be cross-referenced with unclassified data in USCIS data sets, (2) detect possible fraud and misuse of immigration information or position by USCIS employees, for personal gain or by coercion when USCIS receives tips or referrals from other federal agencies via classified channels, and (3) respond to RFIs from the DHS I&A and/or the federal intelligence and law enforcement community members that are based on classified criteria.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: persons who have filed (for themselves or on the behalf of others) applications or petitions and other request forms for immigration benefits under the Immigration and Nationality Act, as amended, or who have submitted fee payments or received refunds from such applications or petitions; current, former and potential (*e.g.,* fiancé) family members of applicants/petitioners; persons who complete immigration forms for applicants and petitioners (*e.g.,* attorneys, interpreters, form preparers); names of applicant's employer; and individuals referred to USCIS for reasonable fear and credible fear screenings. Additionally, CIDR maintains information on USCIS personnel who have used CIDR or the underlying USCIS systems included in CIDR.

CATEGORIES OF RECORDS IN THE SYSTEM:

CIDR receives information on individuals whose information is maintained in USCIS source systems, USCIS personnel who accessed the underlying source systems, and Federal Government employees who submit a RFI or other classified correspondence to USCIS. CIDR will not modify the source data contained in the underlying systems. Information collected about individuals may include, but is not limited to:

- Names (and types of individuals): First name, last name, middle name, and any aliases of the applicant/petitioner/requestor, beneficiary, or family members. USCIS also collects names of sponsors, form preparers, attorneys, and designated representatives.
- Immigration Status: Status and status expiration dates relating to the benefit applicant/petitioner/requestor, beneficiary, family member, and sponsor.
- Travel Information: Destination in the United States, port of entry, days spent outside the United States, dates of entry, arrival and departure dates, passport number, passport place of issue, passport issue date, passport expiration date, travel document number, travel document country of issue, and travel document expiration date.
- Marital Status and History: Current and former marital status of the benefit applicant/petitioner/requestor or beneficiary, the dates of and place of marriages or terminations, and the reason for termination.
- Addresses: Benefit applicants/petitioners/requestors, beneficiaries, family members, sponsors, attorneys, representatives. For certain benefits, a requestor or beneficiary can provide both a home address and an alternative mailing address.
- Telephone and Facsimile Numbers: Benefit applicants/petitioners/requestors, beneficiaries, family members, sponsors, household members, attorneys, and representatives.
- Email Addresses: Benefit applicants/petitioners/requestors, beneficiaries, family members, attorneys, and representatives.
- Dates of Birth and Age: Benefit applicants/petitioners/requestors, beneficiaries, sponsors, and family members.
- Unique Identifying Numbers: Alien Numbers (A-Numbers), Social Security numbers (SSN), USCIS Online Account Numbers, receipt numbers, and other identifying numbers of benefit applicants/petitioners requestors, beneficiaries, family members, and sponsors.
- Citizenship/Nationality: Benefit applicants/petitioners/requestors, beneficiary, or family member's country of citizenship or nationality, and country of birth.
- Gender: Benefit applicants/petitioners/requestors, beneficiaries, and family members.
- Personal Characteristics: Benefit applicants/petitioners/requestors or beneficiary's hair color, eye color, height, weight, race, and ethnicity.
- Information about the attorney, representative, form preparer, or interpreter: Full name, business or organization, mailing address, email address, phone number, fax number, signature, language spoken, relationship to the benefit requestor or beneficiary (if applicable). USCIS also collects Attorney Bar Number or equivalent, Bar Membership, Accreditation Date, Board of Immigration Appeals Representative Accreditation Expiration Date, and Law Practice Restriction Explanation.
- Biometrics: Benefit applicants/petitioners/requestors or beneficiary's biometric images such as press-print, photograph, details about those images (*e.g.,* capture date), and signature of benefit requestor, beneficiary, interpreter, and representative.
- Card Data: Details about USCIS-issued cards (*e.g.,* Employment Authorization Document and the Permanent Resident Cards) for approved applications such as card serial number, Radio-frequency identification (RFID) data, production site, production status, and time/date stamp of cards.
- Tax and Financial Information: Tax identification numbers, and financial information (check information, bank account numbers, credit card numbers (the last four digits only) and other tax and financial information information).
- Results of Background, Identity and Security Checks: Date of the background check, whether the check returned any derogatory results, whether those results were resolved, and expiration date of the results.
- Certifying Agency Information (if applicable): Agency name, certifying official name, title of certifying official,

address, phone, fax, agency type, case status, agency category, case number, FBI Number, or State Identification (SID) Number.

• Medical Information: Collected and used to establish that an applicant is not inadmissible to the United States on public health grounds, as well as in support of a request for an accommodation during an interview. Such information may indicate alcoholism, declaration of incompetence, or family medical history.

• Employment Information: Collected and used to determine the benefit requestor and beneficiary's eligibility. Such information includes place and address of employment/occupation, type of work, employer name, length of employment, spouse's employment.

• Military and Selective Service Information: Collected and used to verify that the benefit requestor or beneficiary has registered with Selective Service as required by law. Such information includes Selective Service number, date of registration, application for military exemption, military branch, and willingness to bear arms for the United States of America.

• Information Regarding Organization Membership or Affiliation: Collected and used to determine whether the applicant poses a security threat to the United States or individuals or has participated in activities that may disqualify him or her for a requested benefit. Such information includes an applicant's organization memberships and affiliations (*i.e.,* organizations, associations, clubs, foundations, parties, societies, or similar groups; communist party membership; totalitarian party membership; terrorist organization membership).

• Criminal History or Involvement and Moral Character Issues: Collected and used to assess whether the applicant meets the standards contained in the INA. Such information includes an applicant's criminal history, involvement in criminal activities, and information regarding moral character.

• Case Processing Information: Date USCIS received or filed benefit requests; benefit request status; location of record; other control number when applicable; fee receipt data; status of USCIS appointments and interviews; date of issuance of a notice; and whether the benefit request form was referred to FDNS for review.

• Final Decision: Final notice to the benefit requestors, beneficiary, and/or the representative on record, approval/denial code, etc.

CIDR maintains information on USCIS personnel who use the underlying USCIS systems included in CIDR as well as CIDR itself, which includes, but is not limited to:

• System audit logs, including PICS Identification Numbers assigned to users of the underlying USCIS systems;

• Records of searches, analyses, correspondence, and outputs generated by USCIS personnel in response to a classified request for USCIS immigrant and non-immigrant data;

CIDR does not collect or track specific data elements concerning personnel of other federal agencies; however, the classified correspondence associated with background checks or RFIs is maintained in CIDR in a searchable format. These documents may include contact information such as names, agency, title, work addresses, or phone numbers.

RECORD SOURCE CATEGORIES:

Records are obtained from the following systems of records:

USCIS Systems:

• DHS/USCIS–007 Benefit Information System, 81 FR 72069 (October 19, 2016), which corresponds to the following USCIS databases:

○ CLAIMS 3, case tracking for all benefits except refugee status, asylum, and naturalizations;

○ CLAIMS 4, case tracking for naturalization and citizenship benefits; and

○ RNACS, interim legacy system used to support naturalization processing in the period between the termination of Naturalization Application Casework System and the deployment of CLAIMS 4.

• DHS/USCIS–006 Fraud Detection and National Security Records (FDNS), 77 FR 47411 (August 8, 2012), which covers the following database:

○ Fraud Detection and National Security Data System (FDNS–DS, screening and case management system used to record requests and case determinations involving benefit fraud, public safety, and national security concerns); and

○ Service Center Computer-Linked Application Information Management System (SCCLAIMS), a mirror copy of CLAIMS 3 data, used to facilitate searches.

• DHS/USCIS/ICE/CBP–001 Alien File, Index, and National File Tracking System of Records, 82 FR 43556 (September 18, 2017), which covers the following USCIS database:

○ Central Index System (CIS, contains status information on applicants/petitioners seeking immigration benefits)

• DHS/USCIS–010 Asylum Information and Pre-Screening, 80 FR 74781 (November 30, 2015), which corresponds to RAPS/APSS. RAPS, is a case management system that tracks applications for asylum pursuant to section 208 of the Immigration and Naturalization Act (INA) and applications for suspension of deportation or special rule cancellation of removal pursuant to Nicaraguan Adjustment and Central American Relief Act (NACARA) section 203 of the INA. APSS is a case management system that tracks the processing of ''Credible Fear'' and ''Reasonable Fear'' cases by Asylum staff.

• DHS/USCIS–017 Refugee Case Processing and Security Screening Information, 81 FR 72075 (October 19, 2016), which covers the collection and use of refugee applicants, refugee derivatives, and follow-to-join applicants.

DHS Intelligence and Analysis System:

• DHS/IA–001, Office of Intelligence and Analysis (I&A) Enterprise Records System, 73 FR 28128 (May 15, 2008).

DHS-Wide System:

• DHS/ALL–004 General Information Technology Access Account Records System of Records, 77 FR 70792 (November 27, 2012).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information in this system of records contains information relating to persons who have pending or approved benefit requests for special protected classes and should not be disclosed pursuant to a routine use unless disclosure is otherwise permissible under the confidentiality statutes, regulations, or policies applicable to that information. For example, information relating to persons who have pending or approved benefit requests for protection under the Violence Against Women Act, Seasonal Agricultural Worker or Legalization claims, Temporary Protected Status, and information relating to nonimmigrant visas. These confidentiality provisions do not prevent DHS from disclosing information to the U.S. Department of Justice (DOJ) and Offices of the United States Attorney as part of an ongoing criminal or civil investigation.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting

litigation or in proceedings before any court, adjudicative or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

H. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

I. To a federal, state, or local agency, or other appropriate entity or individual, or through established liaison channels to selected foreign governments, in order to provide intelligence, counterintelligence, or other information for the purposes of intelligence, counterintelligence, or antiterrorism activities authorized by U.S. law, Executive Order, or other applicable national security directive.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/USCIS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by any of the data elements listed above or a combination thereof. This may include, name, date of birth, Alien Number, SSN, USCIS Online Account Number, Receipt Number, and PICS Identification Number. Additionally, records may be retrieved by the output of USCIS's search, analysis, and response to classified requests for USCIS data.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

CIDR does not retain the replicated data sets from the underlying USCIS data systems, to include CLAIMS 3, CLAIMS 4, RAPS, APSS, RNACS, and CIS, and the associated audit trails of DHS personnel using the systems. The data supplied by these systems are retained by those systems in accordance with their own retention schedules. CIDR simply mirrors these data sets. Information will be removed from CIDR after it has been removed in the source system.

USCIS is working with the NARA to develop a records retention schedule to cover the records retained in CIDR, such as classified background check responses. USCIS proposes to retain background check related records 100 years from the date of birth. The 100-year retention rate comes from the length of time USCIS may interact with a customer. Further, retaining the data for this period of time will enable USCIS to fight identity fraud and misappropriation of benefits. This proposed records retention schedule is consistent with the approved NARA Disposition Authority Number DAA–0563–2013–0001–0005.

Records used as part of a benefit determination are maintained in the Alien File and processed in the respective USCIS case management system. The A-File records are permanent whether in hard copy or electronic form. USCIS transfers the A-Files to the custody of NARA 100 years after the individual's date of birth. Electronic benefits information is archived and disposed of in accordance with NARA-approved retention schedule for the respective USCIS systems.

CIDR retains a record of the classified search request, the results of the request, and a log of these activities for up to 25 years. These are maintained for a minimum of five years in accordance with Director of Central Intelligence Directive (DCID) 6/3. Classified data will be maintained for the period of time required by the originating classification authority.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/USCIS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. USCIS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). However, each request for information within CIDR will be reviewed to

determine whether or not the record within CIDR meets the requirements of the exemptions and, as appropriate, to disclose information that does not meet the requirements. This does not prevent the individual from gaining access to his records in the source systems noted below. Persons may seek access to records maintained in the source systems that feed into CIDR, currently CLAIMS 3, and in future releases, CLAIMS 4, RAPS, APSS, RNACS, and CIS.

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and to the USCIS FOIA/Privacy Act (PA) Officer whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about an individual may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must verify his or her identity, meaning that the individual must provide his or her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why the individual believes the Department would have information on him or her;
- Identify which component(s) of the Department the individual believes may have the information about you;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If an individual's request is seeking records pertaining to another living individual, he or she must include a statement from that individual certifying his/her agreement for the individual to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above. Any individual, regardless of immigration status, may file a request to access his or her information under the FOIA. Throughout the benefit determination process and prior to USCIS making a determination to deny a benefit request, USCIS provides individuals with the opportunity to address and correct the information.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Homeland Security has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of the Privacy Act, pursuant to 5 U.S.C. 552a (k)(1) and (k)(2).

Additionally, many of the functions in this system require retrieving records from law enforcement systems. When this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

HISTORY:

DHS/USCIS–012, United States Citizenship and Immigration Services—012 Citizenship and Immigration Data Repository, 75 FR 54642 (September 8, 2010). Final Rule for Privacy Act Exemptions, 75 FR 81371 (December 28, 2010).

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–09235 Filed 4–30–18; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0009]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, ''Department of Homeland Security/United States Coast Guard-032 Asset Logistics Management Information System (ALMIS) System of Records.'' This system of records allows the DHS/United States Coast Guard (USCG) to collect and maintain records on the maintenance, mission scheduling, and logistics for USCG aviation and surface (boats) assets. This newly established system will be included in the DHS inventory of record systems.

DATES: Submit comments on or before May 31, 2018. This new system will be effective upon publication. Routine uses will be effective May 31, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0009 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0009. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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

FOR FURTHER INFORMATION CONTACT:

For general questions, please contact: Brian P. Burns, (202) 475–3507, *Brian.P.Burns@uscg.mil,* Acting Privacy Officer, Commandant (CG–6), United States Coast Guard, Mail Stop 7710, Washington, DC 20593.

For privacy questions, please contact: Philip S. Kaplan, (202) 343–1717, *privacy@hq.dhs.gov,* Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

ALMIS is a legacy system that enables efficient, flexible, and cost-effective aircraft and surface force operations, logistics, and maintenance support. It supports data entry from the start of a mission, recording the mission execution, tracking crew events, asset aging, asset configuration, asset maintenance requirements, asset part replacements, warehouse activities, and procurement actions. In order to perform these functions, USCG must collect information to confirm the identities of the individuals assigned to the assets. This includes collecting name, rank, and contact information, as well as sensitive data elements such as Social Security number (SSN). The collection and maintenance of this information will allow DHS/USCG to perform its mission and primary duties, as outlined in 14 U.S.C. 2.

Currently, ALMIS retains all records. The records retention schedule disposition is currently pending with the National Archives and Records Administration (NARA).

Consistent with DHS's information sharing mission, information stored in DHS/USCG–032 Asset Logistics Management Information System may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/USCG may share information with appropriate Federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/USCG–032 Asset Logistics Management Information System (ALMIS) System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER

Department of Homeland Security (DHS)/United States Coast Guard (USCG)-032 Asset Logistics Management Information System (ALMIS).

SECURITY CLASSIFICATION:

Unclassified, Sensitive, For Official Use Only.

SYSTEM LOCATION:

Records are maintained at the United States Coast Guard Headquarters in Washington, DC and field offices.

SYSTEM MANAGER(S):

Commandant (CG–4), United States Coast Guard, Mail Stop 7714, Washington, DC 20593.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

14 U.S.C. 2; 14 U.S.C. 93; 14 U.S.C. 102; 14 U.S.C. 141; 14 U.S.C. 632; 14 U.S.C. 648; 44 U.S.C. 3101; 44 U.S.C. 3534; Executive Order (E.O.) 9397, Numbering System for Federal Accounts Relating to Individual Persons, as amended by E.O. 13478, Amendments to Executive Order 9397 Relating to Federal Agency Use of Social Security Numbers; and the National Defense Authorization Act of 2014 (Pub. L. 113–66).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to provide maintenance tracking, parts ordering/inventory, and mission information for USCG aviation and surface assets.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG personnel (including military, Federal employees, and contractors) and non-DHS Federal employees whose home agencies have agreements in place with USCG to use its equipment (*e.g.,* U.S. Forest Service (USFS)).

CATEGORIES OF RECORDS IN THE SYSTEM:

USCG Military:
- SSN;
- Common Access Card number (CAC#);
- Personal Identification Number (PIN) for two-factor authentication;
- Name;
- Rate/rank;
- Employee Identification (EMPLID);
- Sector/group;
- Unit Operating Facilities Address Code (OPFAC);
- Work email address;
- Work phone number; and
- Digital signature.

Government Civilians:
- SSN;
- CAC#;
- PIN;
- Name;
- Civilian grade;
- EMPLID;
- Unit OPFAC;
- Work email address;
- Work phone number; and
- Digital signature.

Federal contractors:
- SSN;
- CAC#;
- PIN;
- Name;
- Unit OPFAC;
- Work email address;
- Work phone number;
- Digital signature;
- Contract number;
- Company name; and
- Period of contract performance.

USFS personnel:
- SSN;
- CAC#;
- PIN;
- Name;
- Civilian grade;
- EMPLID;
- Unit OPFAC;
- Work email address;
- Work phone number; and
- Digital signature.

RECORD SOURCE CATEGORIES:

Records are obtained from USCG personnel (including military, Federal employees, and contractors) and the United States Forest Service (USFS), or other agencies that have agreements in place with USCG to use its equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other Federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

H. To an appropriate Federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

I. To the United States Forest Service, or other agency that has an equipment-sharing agreement in place with USCG, for the purpose of verifying personnel authorized to utilize the system and to access aircraft maintenance and logistic records.

J. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/USCG stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

USCG retrieves records be retrieved by name of individual, Social Security number (SSN), rank, Unit Operating Facilities Address Code (OPFAC), Employee Identification number (EMPLID), and Command Access Card (CAC) number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Currently, ALMIS retains all records. The records retention schedule disposition is currently pending with NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/USCG safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS/USCG has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and the United States Coast Guard Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about the individual may be available under the Freedom of Information Act.

When seeking records about one's self from this system of records or any other Departmental system of records, the request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his or her identity, meaning that he or she must provide his or her full name, current address, and date and place of birth. The individual must sign the request, and the signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–

0486. In addition, the individual should:

• Explain why he or she believes the Department would have information being requested;

• Identify which Component(s) of the Department he or she believes may have the information;

• Specify when the individual believes the records would have been created; and

• Provide any other information that will help the FOIA staff determine which DHS Component agency may have responsive records.

If the request is seeking records pertaining to another living individual, the person seeking the records must include a statement from the subject individual certifying his/her agreement for the requestor to access his or her records.

Without the above information, the Component(s) may not be able to conduct an effective search, and the request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–09231 Filed 4–30–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–21]

30-Day Notice of Proposed Information Collection: Choice Neighborhoods

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:* May 31, 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 February 28, 2018 at 83 FR 8690.

A. Overview of Information Collection

Title of Information Collection: Choice Neighborhoods.

OMB Approved Number: 2577–0269.

Type of Request: Revision of currently approved collection.

Form Number: SF–424, SF–LLL, HUD 2880, HUD 53150, HUD 53152, HUD 53232, HUD 53151, HUD 53154, HUD–53233, HUD–53234, HUD–53238, HUD–53231, HUD–53235, HUD–53237, HUD–53236, HUD–53239, HUD–2530, HUD–2991, HUD–2995, HUD–53421, HUD–53230, HUD–52515, HUD–50163.

Description of the need for the information and proposed use: The information collection is required to administer the Choice Neighborhoods program, including applying for funds and grantee reporting.

Respondents (*i.e. affected public*): Potential applicants and grantees (which would include local governments, tribal entities, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity).

Estimated Number of Respondents: 264 annually.

Estimated Number of Responses: 440 annually.

Frequency of Response: Frequency of response varies depending on what information is being provided (*e.g.,* once per year for applications and four times per year for grantee reporting).

Average Hours per Response: Burden hours per response varies depending on what information is being provided (*e.g.,* Choice Neighborhoods Implementation grant application: 71.09; Choice Neighborhoods Planning grant application: 36.59; Choice Neighborhoods information collections unrelated to the NOFA, including grantee reporting and program management: 14.58).

Total Estimated Annual Burden and Cost: Total burden hours is estimated to be 4,562.45. Total burden cost is estimated to be $192,672.26.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 24, 2018.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09179 Filed 4–26–18; 4:15 pm]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–22]

30-Day Notice of Proposed Information Collection: Application for Displacement/Relocation/Temporary Relocation Assistance for Persons

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* May 31, 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: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. 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. Guido.

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 February 28, 2018 at 83 FR 8695.

A. Overview of Information Collection

Title of Information Collection: Application for displacement/relocation/temporary relocation assistance for persons.

OMB Approval Number: 2506–0016.

Type of Request: Revision of currently approved collection.

Form Number: HUD–40030, HUD–40054, HUD–40055, HUD–40056, HUD–40057, HUD–40058, HUD–40061, and HUD–40072 in the following languages (English, Spanish, Vietnamese, Arabic, Russian, Mandarin Korean).

Description of the Need for the Information and Proposed Use: Application for displacement/relocation assistance for persons (families, individuals, businesses, nonprofit organizations and farms) displaced by, or temporarily relocated for, certain HUD programs. No changes are being made for Forms HUD–40030, HUD–40054, 40055, HUD–40056, HUD–40057, HUD–40058, HUD–40061, and HUD–40072.

Respondents: Individuals, households, businesses, farms, non-profits, state, local and tribal governments.

Estimated Number of Respondents/ Estimated Number of Responses:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD 40054	12,000.00	1.00	12,000.00	0.50	6,000.00	$24.39	$146,340.00
HUD 40055	400.00	1.00	400.00	1.50	600.00	24.39	14,634.00
HUD 40056	400.00	1.00	400.00	1.00	400.00	24.39	9,756.00
HUD 40030	25,000.00	1.00	25,000.00	1.00	25,000.00	24.39	609,750.00
HUD 40057	1,250.00	1.00	1,250.00	1.00	1,250.00	24.39	30,487.50
HUD 40058	8,750.00	1.00	8,750.00	1.00	8,750.00	24.39	213,412.50
HUD 40072	2,000.00	1.00	2,000.00	1.00	2,000.00	24.39	48,780.00
HUD 40061	12,000.00	1.00	12,000.00	1.00	12,000.00	24.39	292,680.00
Total	61,800.00	8.00	61,800.00	8.00	56,000.00	24.39	1,365,840.00

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: April 25, 2018.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–09219 Filed 4–30–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N023; FXES11130800000–189–FF08EVEN00]

Low-Effect Habitat Conservation Plan for Endangered Sandhills Species at the Clements Property, Santa Cruz County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application from Ron Clements for a 3-year incidental take permit under the Endangered Species Act of 1973, as amended. The application addresses the potential for ''take'' of the federally endangered Mount Hermon June beetle and Zayante band-winged grasshopper that is likely to occur incidental to the construction of outdoor recreational

facilities at a property near the unincorporated town of Ben Lomond, Santa Cruz County, California. We invite comments from the public on the application package, which includes a low-effect habitat conservation plan.

DATES: To ensure consideration, please send your written comments by May 31, 2018.

ADDRESSES: You may download a copy of the habitat conservation plan, draft environmental action statement and low-effect screening form, and related documents on the internet at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail to our Ventura office or by phone (see **FOR FURTHER INFORMATION CONTACT**). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Chad Mitcham, Fish and Wildlife Biologist, by U.S. mail to the Ventura office, or by telephone at (805) 677–3328.

SUPPLEMENTARY INFORMATION: We have received an application from Ron Clements for a 3-year incidental take permit under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). The application addresses the potential for ''take'' of the federally endangered Mount Hermon June beetle (*Polyphylla barbata*) and Zayante band-winged grasshopper (*Trimerotropis infantilis*) likely to occur incidental to the construction of outdoor recreational facilities at 8225 Ridgeview Drive (APN: 072–441–01), near the unincorporated town of Ben Lomond, Santa Cruz County, California. We invite comments from the public on the application package, which includes a low-effect habitat conservation plan. This proposed action has been determined to be eligible for a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), as amended.

Background

The U.S. Fish and Wildlife Service (Service) listed the Mount Hermon June beetle and Zayante band-winged grasshopper as endangered on January 24, 1997 (62 FR 3616). Section 9 of the Act and its implementing regulations prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the Act to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. ''Incidental Take'' is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity (50 CFR 17.3). Regulations governing incidental take permits for threatened and endangered species are provided at 50 CFR 17.32 and 17.22, respectively. Issuance of an incidental take permit must not jeopardize the existence of federally listed fish, wildlife, or plant species.

Take of listed plants is not prohibited under the Act unless such take would violate State law. As such, take of plants cannot be authorized under an incidental take permit. Plant species may be included on a permit in recognition of the conservation benefits provided them under a habitat conservation plan. All species, including plants, covered by the incidental take permit receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)). In addition to meeting other specific criteria, actions undertaken through implementation of the habitat conservation plan (HCP) must not jeopardize the continued existence of federally listed animal or plant species.

Applicant's Proposal

Ron Clements (hereafter, the applicant) has submitted a low-effect HCP in support of his application for an incidental take permit (ITP) to address take of the Mount Hermon June beetle and Zayante band-winged grasshopper that is likely to occur as the result of direct impacts on up to 0.214-acre (ac) (9,319 square feet (sf)) of sandhills habitat occupied by the species. Take would be associated with the construction of outdoor recreational facilities and infrastructure on an existing parcel legally described as Assessor Parcel Number: 072–441–01. The current site address is 8225 Ridgeview Drive, near the unincorporated town of Ben Lomond, Santa Cruz County, California. The applicant is requesting a permit for take of Mount Hermon June beetle and Zayante band-winged grasshopper that would result from ''covered activities'' that are related to the construction of outdoor recreational facilities.

The HCP's conservation strategy also addresses potential impacts to the federally endangered Ben Lomond spineflower (*Chorizanthe pungens* var. *pungens*), which may occur at the proposed project site. A 3-year incidental take permit is requested to authorize take that would occur incidental to the proposed project.

The applicant proposes to avoid, minimize, and mitigate impacts to the Mount Hermon June beetle, Zayante band-winged grasshopper, and Ben Lomond spineflower associated with the covered activities by fully implementing the HCP. The following measures will be implemented: (1) A qualified biologist will collect seed of all Ben Lomond spineflower from within the project footprint for use in restoration of the site following construction activities; (2) if construction occurs during the flight season of the Mount Hermon June beetle (considered to be between May and August, annually), exposed soils will be covered with impervious materials to prevent any dispersing Mount Hermon June beetles from burrowing into exposed soil at the construction site; (3) a qualified biologist will conduct a pre-construction training that will be attended by all on-site construction personnel and those personnel will be directed to cease work and immediately contact a biologist permitted to capture and relocate the subject species if observed in an area to be impacted; (4) new outdoor lighting will feature LED bulbs that emit wavelengths of light that are less attractive for nocturnal insects; (5) following completion of the project, temporarily disturbed areas will be seeded with native sandhills plants to facilitate recolonization by the subject species; and (6) the applicant will permanently protect habitat for the Mount Hermon June beetle, Zayante band-winged grasshopper, and Ben Lomond spineflower through the purchase of 0.531-ac of conservation credits at the Zayante Sandhills Conservation Bank, or from another Service-approved conservation bank. The applicant will fund up to $157,452 to ensure implementation of all minimization measures, monitoring, and reporting requirements identified in the HCP.

In the proposed HCP, the applicant considers two alternatives to the proposed action: ''No Action'' and ''Redesign Project.'' Under the ''No Action'' alternative, an ITP for the proposed project would not be issued. The proposed conservation strategy and the purchase of conservation credits would not be provided to effect recovery actions for the impacted species. The ''No Action'' alternative would not result in desired improvements to the residence and would not result in benefits for the covered species; therefore, the ''No Action'' alternative has been rejected. Under the ''Redesign

Project'' alternative, the applicant would reduce the area of proposed improvements by approximately 50 percent, through elimination of components of the planned outdoor recreational facilities. Under this alternative, the applicant would not achieve his desired goals and fewer conservation credits would be purchased to effect recovery; therefore, the ''Redesign Project'' alternative has also been rejected.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of NEPA (42 U.S.C. 4321 *et seq.*,) nor that it will, individually or cumulatively, have more than a negligible effect on the Mount Hermon June beetle, Zayante band-winged grasshopper, and Ben Lomond spineflower. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Next Steps

We will evaluate the permit application, including the plan and comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of the ITP would comply with section 7(a)(2) of the Act by conducting an intra-Service Section 7 consultation.

Public Review

We provide this notice under section 10(c) of the Act and the National Environmental Policy Act of 1969, as amended (NEPA), and NEPA's public involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6). We are requesting comments on our determination that the applicant's proposal will have a minor or negligible effect on the Mount Hermon June beetle, Zayante band-winged grasshopper, and Ben Lomond spineflower, and that the plan qualifies as a low-effect HCP as defined by our Habitat Conservation Planning Handbook. We will evaluate the permit application, including the plan and comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will use the results of our internal Service consultation, in combination with the above findings, in our final analysis to determine whether to issue the permit. If the requirements are met, we will issue an ITP to the applicant for the incidental take of Mount Hermon June beetle and Zayante band-winged grasshopper. We will make the final permit decision no sooner than 30 days after the date of this notice.

Public Comments

If you wish to comment on the permit applications, plans, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: April 24, 2018.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2018–09190 Filed 4–30–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO–923000.L1440000.ET0000; COC 028643 & COC 28623]

Public Land Order No. 7866; Partial Withdrawal Revocation, Power Site Classification Nos. 56 and 351; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This Order partially revokes a withdrawal created by Secretarial Orders dated June 30, 1923 and March 14, 1944, which established Power Site Classification Nos. 56 and 351, insofar as they affect 49.18 acres of National Forest System lands. This Order opens the lands to such uses as may be made of National Forest System lands subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

DATES: This Public Land Order is effective on May 1, 2018.

FOR FURTHER INFORMATION CONTACT: John D. Beck, Bureau of Land Management, Colorado State Office, (303) 239–3882, or write: Branch of Lands and Realty, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7093. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The United States Forest Service requested partial revocation affecting portions of withdrawn lands classified for potential power site development. The Bureau of Land Management, in consultation with the Federal Energy Regulatory Commission (FERC), determined that the interests of the United States would not be injured by conveyance of the land out of Federal ownership. This Order opens the lands within PSC No. 56 to such uses as may be made of National Forest System lands subject to a Section 24 Federal Power Act reservation, and opens the lands within PSC No. 351 to such uses as may be made of National Forest System lands.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, and pursuant to the determination by the FERC, it is ordered as follows:

1. The withdrawal created by Secretarial Order dated June 30, 1923, which established Power Site Classification No. 56, is hereby revoked in part subject to the provisions of Section 24 of the Federal Power Act, as to the following described land:

6th Principal Meridian, Colorado

T. 9 S., R. 70 W.,
Sec. 10, Parcel A.

The area described contains 5.39 acres in the Pike National Forest, Douglas County.

2. The withdrawal created by Secretarial Order dated March 14, 1944, which established Power Site Classification No. 351, is hereby revoked in-part as to the following described land:

6th Principal Meridian, Colorado

T. 7 S., R. 73 W.,
Sec. 7, lots 5 and 7.

The area described contains 43.79 acres in the Pike National Forest, Park County.

3. At 9 a.m. on May 1, 2018 the lands described in Paragraph 1 and 2 are opened to such forms of disposition as may be made of National Forest System

land, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2018–09184 Filed 4–30–18; 8:45 am]

BILLING CODE 3411–16–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVB02000–L19200000–ET0000; N–94970; LR0RF1709500; MO# 4500111101]

Notice of Application for Withdrawal in Nye County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Energy Office of Legacy Management (DOE) has filed an application with the Bureau of Land Management (BLM), requesting that the Secretary of the Interior withdraw 361 acres of public lands to assist the DOE to carry out its responsibilities regarding public health, safety, and national security in connection with a past underground nuclear detonation in Hot Creek Valley, Nye County, Nevada. Publication of this Notice temporarily segregates the lands, subject to valid existing rights, for up to two years from all forms of appropriation or other disposition under the public land laws, including the mining laws and the mineral-leasing laws. The two-year segregation will provide the BLM and the DOE sufficient time to prepare an Environmental Assessment (EA) which will analyze the environmental effects of the requested withdrawal and any alternatives in order for the BLM to make a recommendation to the Secretary of Interior on the requested withdrawal.

DATES: Comments regarding this withdrawal proposal must be received by July 30, 2018. The BLM welcomes comments regarding the environmental consequences of the proposed withdrawal, for consideration in preparation of the EA.

ADDRESSES: Comments pertaining to this Notice should be submitted by any of the following methods:

- *Email: BLM_NV_BMDO_Tonopah_Withdrawal@blm.gov.*
- *Fax:* 775–482–7810.
- *Mail:* BLM Nevada State Director, Attn: NV 930 CNTA Withdrawal, Bureau of Land Management, 1340 Financial Boulevard, Reno, NV 89520.

FOR FURTHER INFORMATION CONTACT: Wendy Seley, Project Lead, Tonopah Field Office, Attn: DOE Withdrawal, 1553 South Main Street, P.O. Box 911, Tonopah, NV 89049; email: *wseley@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–775–861–6511 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In order to fulfill its obligations under the Atomic Energy Act (AEA) of 1954 (42 U.S.C. 2201) regarding public health, safety, and national security in connection with a past underground nuclear detonation, the DOE requests that the 361 acres of public lands be withdrawn from all forms of appropriation or other disposition under the public land laws, including the mining laws and mineral leasing laws, subject to valid existing rights.

The AEA requires the DOE to take necessary measures to protect human health and the environment from nuclear contamination, and provides broad authority for the DOE to do so. The AEA states, in part, that DOE may ''establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property'' (42 U.S.C. 2201(b)).

This application is to withdraw lands adjacent to and surrounding land and interests withdrawn under Public Land Order (PLO) No. 4338, published in the **Federal Register** Volume 32, No. 241, December 14, 1967. The PLO established the Central Nevada Test Area (CNTA) for an underground nuclear test. The test, which was conducted in 1968, resulted in a determination that the site was unsuitable for further nuclear tests. DOE requests a new withdrawal of lands adjacent to and surrounding the 1967 withdrawal in order to prevent disturbance to residual subsurface contamination. The BLM will hold a 90-day scoping period to identify issues and begin preparing an EA to analyze the impacts of the proposed withdrawal.

As required by section 204(b)(1) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(b)(1), and the BLM regulations at 43 CFR part 2310.3–1, the BLM is publishing the Notice that DOE has requested the withdrawal of the following described lands:

Mount Diablo Meridian

T. 9 N. R. 51 E., Unsurveyed,
Sections 14, 15, 22, and 23. It is an irregular bounded portion of land being described as follows:

BEGINNING at a point which is north 35°15′30″ west, 14,986.1 feet from the southeast corner of township 9 north, range 51 east.

THENCE, north 89°43′10″ west, a distance of 6602.5 feet.

THENCE, north 0°16′30″ east, a distance of 6602.6 feet.

THENCE, south 89°43′10″ east, a distance of 6602.5 feet.

THENCE, south 0°17′20″ west, a distance of 6602.6 feet to the POINT OF BEGINNING.

BASIS OF BEARING: Mean geodetic bearings referenced to the true meridian.

EXCEPTING those portions withdrawn by PLO No. 4338 (UC–1 withdrawal).

The area encumbered by the existing withdrawal contains approximately 640 acres.

The area encumbered by the new withdrawal is 361 acres in Nye County.

This proposed withdrawal would fully encompass the use-restriction and compliance boundaries established by DOE. The objective of the compliance boundary is to protect the public and environment from exposure to groundwater contamination by the underground nuclear test. The objective of the use-restriction boundary is to restrict access to subsurface materials, including groundwater. The proposed withdrawal for 20 years would maintain the physical integrity of the subsurface environment, and would ensure that DOE's ongoing, long-term site characterization studies of the CNTA are not invalidated or otherwise adversely affected.

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses which could result in permanent loss of significant values and threaten public health, safety, and Federal investment in the long-term monitoring program established for the CNTA.

There are no suitable alternative sites because the lands contain the specific area surrounding the underground nuclear test site, and Federal improvements described in the application.

No water rights will be required for this withdrawal.

The legal descriptions and the maps depicting the lands are available for public inspection at the following offices: BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada

89502; BLM Tonopah Field Office, 1553 South Main Street, Tonopah, Nevada 89049.

Information regarding the proposed withdrawal will be available for public review at the BLM's Tonopah Field Office, during regular business hours, 7:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays. Before including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment—including your personally identifying information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

For a period until May 1, 2020, subject to valid existing rights, the public lands described in this Notice is segregated, for up to two years, from all forms of appropriation under the public land laws, including the mining laws and the mineral-leasing laws, unless the application/proposal is denied or canceled or the withdrawal is approved prior to that date.

Licenses, permits, cooperative agreements, or discretionary land use authorizations may be allowed during the period of segregation, but only with the approval of the authorized officer and, as appropriate, with the concurrence of DOE.

Authority: 43 U.S.C. 1714(b)(1) and 43 CFR 2300

Michael J. Herder,

Acting State Director, Nevada.

[FR Doc. 2018–09180 Filed 4–30–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORN03000.L63100000.DB0000. 17XL1116AF.252Z.HAG 17–0170]

Notice of Intent To Prepare a Hult Reservoir and Dam Safety Environmental Impact Statement in Lane County, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management (BLM) Siuslaw Field Office, Northwest Oregon District, intends to prepare the Hult Reservoir and Dam Safety Environmental Impact Statement (EIS). Through this Notice, the BLM is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This Notice initiates the public scoping process for the EIS. Comments may be submitted in writing until May 31, 2018. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through email and the ePlanning website. In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the EIS by any of the following methods:

- *Email: blm_or_no_publiccomments_nepa@blm.gov;* ATTN: Panchita Paulete, Hult Dam and Reservoir Safety EIS.
- *Fax:* 541–683–6981; ATTN: Panchita Paulete, Planning and Environmental Coordinator.
- *Mail:* Bureau of Land Management, 3106 Pierce Parkway, Suite E, Springfield, OR 97477–7909.

Documents pertinent to this proposal may be examined at the Northwest Oregon District's Springfield Interagency Office located at 3106 Pierce Parkway in Springfield, Oregon.

FOR FURTHER INFORMATION CONTACT: Panchita Paulete, Planning and Environmental Coordinator; 541–683–6976; *blm_or_no_publiccomments_nepa@blm.gov* Contact Ms. Paulete if you wish to add your name to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Hult Reservoir is located within the Lake Creek fifth-field watershed, near the community of Horton, Oregon, within the Siuslaw Field Office of the Northwest Oregon District at Township 15S, Range 7W, Sections 23 and 26, in Lane County, Oregon.

The Hult Reservoir is a 41-acre man-made lake, approximately a half-mile long and less than a quarter-mile wide. The reservoir's depth ranges from approximately 15 feet to 35 feet, and contains another 10 to 15 feet of soft, silty sand. Below depths of 25 to 43 feet, it is estimated that the foundation of the reservoir consists of landslide deposits, which generally include cobbles, bounders, and large rock beds. The dam is an earthen dam which consists of loose rock placed on the downstream face.

The dam and spillway at Hult Reservoir were originally constructed in 1950 to create a holding pond for logs by the Hult Timber Company. These lands were transferred to the BLM in 1994. During severe winter weather, the amount of rainfall in the catchment area contributes substantially to the water levels in the reservoir. The dam requires constant monitoring and adjustment of the outflow valve by BLM engineers to avoid overwhelming the current water level controls in place. Since the transfer of ownership, costly renovations to the dam (*e.g.,* grouting, reinforcement structures, and monitoring devices) have been ongoing to address structural and safety concerns.

In July 2012, the BLM completed a Comprehensive Dam Evaluation on the dam and spillway at Hult Reservoir, which found eleven potential failure modes presenting unacceptable high risks for dam failure, five of which warrant expedited action to address. These evaluations of the dam infrastructure also identified that the dam and spillway are currently at an elevated cumulative risk posed by all possible failure modes and associated potential life loss. In 2016, the BLM implemented improvements to the dam infrastructure, which improved some elements presenting cumulative risk. However, there is still a need to address the remaining cumulative safety risks associated with the dam at Hult Reservoir.

The purpose of this project is to reduce the risk of infrastructure failure at Hult Dam from excessive water and sediment loading, within the scope of what the BLM could reasonably fund and within the scope of the BLM's jurisdiction.

The EIS will analyze a range of alternatives to provide for a long-term management approach. The EIS will analyze a No Action alternative that would analyze the continued management and standard maintenance of Hult Dam in the current conditions. Some potential action alternatives include:

- Improving the existing dam infrastructure: This alternative would retain all existing dam infrastructure, but would implement patches, reinforcements, or other additions

necessary to ensure the safety and function of the structures.

• Removing the existing infrastructure and rebuilding the dam: This alternative would remove all existing dam infrastructure and rebuild the dam to necessary safety standards and flow functionality.

• Removing the dam and draining the reservoir: This alternative would permanently remove existing dam infrastructure to allow for permanent draining of the reservoir.

Some of the anticipated concerns and resources that may be affected for this project include: Recreational opportunities, socioeconomic values, sediment routing, hydrologic flow controls, fisheries, sensitive plants, invasive and noxious weeds, cultural resources, access routes, and engineering design/safety. The BLM has identified the following potential issues to analyze in the EIS:

• How would the alternatives affect the safety risks to visitors and local communities from dam failure?

• How much would the alternatives cost to implement?

• How would the alternatives affect revenues of the local communities?

• How would the alternatives affect Endangered Species Act (ESA)-listed fish passage?

• How would the alternatives affect ESA-listed fish habitat, including water temperature?

• How would the alternatives affect downstream water quantity available for consumptive water rights?

• How would the alternatives affect the historic value of the dam?

• How would the alternatives affect visitor recreation access and opportunities?

• How would the alternatives affect BLM-managed recreation sites?

• How would the alternatives affect existing populations of Bureau sensitive species plants?

• How would the alternatives affect the introduction and spread of invasive plants?

Access to lands to the north of Hult Dam may be impacted during implementation of some potential action alternatives. The EIS will include analysis of changes to access from engineering design of the alternatives and the effect on safety.

The BLM is conducting an evaluation of the dam to determine if the structure would qualify as a National Historic Property.

Hult Dam has a fish ladder that does not function for passing Oregon coastal coho salmon. The non-functional fish ladder at the dam site currently blocks upstream fish passage to several miles of designated Oregon coastal coho critical habitat. Oregon coastal coho salmon are listed as threatened under the ESA.

Two BLM sensitive aquatic plant species are present at the northern end of Hult Reservoir in a marsh: Bog clubmoss (*Lycopodiella inundata*) and humped bladderwort (*Utricularia gibba*). The noxious weed parrots feather (*Myriophyllum aquaticum*) occurs in the reservoir, as does the non-native invasive weed reed canarygrass (*Phalaris arundinacea*). Herbicide use to manage the spread of the noxious and non-native invasive may be part of the alternatives considered.

At this time, the reservoir upstream of the dam is managed as the Hult Reservoir Recreation Site Special Recreation Management Area, which offers opportunities for camping, day use, swimming, fishing, and scenic driving. There are no developed campsites; however, two vault toilets are available to the public.

In December 2016, the BLM brought in a neutral third-party contractor to conduct stakeholder assessments and assist with facilitation of public involvement for this project. In March 2017, the contractor conducted in-person interviews with sixteen stakeholders, primarily in the town of Horton, Oregon, and in Triangle Lake community. Stakeholders represented property owners near the Hult Reservoir, local business owners, Triangle Lake School staff members, Siuslaw Watershed Council members, and fishing interest groups. The BLM will continue to use this neutral third-party contractor throughout the EIS process to assist with public outreach and engagement.

Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the proposed project that the BLM is evaluating are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the EIS as a cooperating agency. The BLM will consult with The Confederated Tribes of the Grand Ronde; Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; and Confederated Tribes of the Siletz Indians during this analysis process.

Instructions for submitting a public comment are provided under the **ADDRESSES** section above, and are provided on the BLM's ePlanning page for this EIS. Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Jamie E. Connell,

State Director, Oregon/Washington.

[FR Doc. 2018–09185 Filed 4–30–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025391; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Kansas City District, Kansas City, MO, and the Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Kansas City District (Kansas City District), and the Nebraska State Historical Society (NSHS) have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the NSHS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the NSHS at the address in this notice by May 31, 2018.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Army Corps of Engineers, Kansas City District (Kansas City District), Kansas City, MO, and in the physical custody of the Nebraska State Historical Society (NSHS), Lincoln, NE. The human remains and associated funerary objects were removed from Harlan County, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NSHS professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and Winnebago Tribe of Nebraska.

The following tribes were invited to consult but did not participate: Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and Yankton Sioux Tribe of South Dakota.

History and Description of the Remains

The human remains listed in this notice are curated at the NSHS but are under the control of the Kansas City District.

In 1985, human remains representing, at minimum, 17 individuals were removed from the Graham Ossuary (25HN5) in Harlan County, NE. The human remains were excavated by the University of Kansas under contract to the Kansas City District. The human remains represent seven adults, five sub-adults, and five infants, all of unknown sex. No known individuals were identified. The 2,203 associated funerary objects are five chipped stone tools, 250 chipped stone flakes, 581 pottery fragments, 15 modified mussel shell fragments, 23 unmodified mussel shell fragments, one modified animal bone, 1,320 unmodified animal bone fragments, one glass fragment, three stones, one lot of charcoal, one lots of stone fragments, and two soil samples.

Between 1950 and 1952 and in 1985, human remains representing, at minimum, eight individuals were removed from Site 25HN36 in Harlan County, NE. The human remains excavated in 1950–52 were recovered by the University of Nebraska archeological field school and the human remains excavated in 1985 were recovered by the University of Kansas under contract to the Kansas City District. The human remains represent eight adults of indeterminate sex. One of these includes a modified calvarium (skull cap) cut into the shape of a bowl, polished on the cut surface, and drilled with four holes. This may be a trophy skull. No known individuals were identified. The six associated funerary objects are one ceramic vessel, one lot of ceramic sherds, one bison scapula, one piece of hematite, one chipped stone knife, and one ground stone tool.

In 1948 and in 1985, human remains representing, at minimum, six individuals were removed from the Indian Hill Site (25HN42) in Harlan County, NE. The human remains excavated in 1948 were recovered by a joint University of Nebraska–University of Kansas archeological field school, and the human remains excavated in 1985 were recovered by the University of Kansas under contract to the Kansas City District. The human remains represent two adults, one sub-adult, one infant, and two individuals of indeterminate age. All of the individuals are of unknown sex. No known individuals were identified. The 320 associated funerary objects are one stone projectile point, one groundstone tool, one polished shell, one seed, 70 chipped stone flakes and other modified stones, 15 ceramic sherds, 73 animal bones, 59 animal bone beads, four snail shells, 93 shell beads, and two unmodified shells.

Between 1950 and 1951, human remains representing, at minimum, one individual were removed from Site 25HN44 in Harlan County, NE. The human remains were recovered by a University of Nebraska archeological field school. The human remains represent one adult female. No known individuals were identified. No associated funerary objects are present.

At some point between 1948 and 1985, human remains representing, at minimum, one individual were removed from an unknown location on U.S. Army Corps of Engineers property possibly near Site 25HN42 in Harlan County, NE. The human remains were assigned number 25HN9002. The human remains were probably recovered by the University of Nebraska or the University of Kansas during various field operations although it is not known which. The human remains represent one adult. No known individuals were identified. No associated funerary objects are present.

In 1988, human remains representing, at minimum, one individual were removed from the Methodist Cove locality on U.S. Army Corps of Engineers property in Harlan County, NE. The human remains were not assigned an archeological site number but are designated 25HN00 (Methodist Cove). The human remains represent one adult male. No known individuals were identified. The three funerary objects are one ceramic sherd, one bird bone, and one soil sample.

At some point prior to 1980, human remains representing, at minimum, four individuals were removed from an unknown location on U.S. Army Corps of Engineers property possibly at the Methodist Cove locality in Harlan County, NE. The human remains were not assigned an archeological site

number but are designated 25HN00 (possibly Methodist Cove). The human remains represent one adult male, two adult females, and one infant. No known individuals were identified. The 33 associated funerary objects are four chipped stone tools, two metal tools, two metal fragments, two ceramic sherds, nine modified mussel shell fragments, three unmodified mussel shell fragments, five animal bone fragments, two concretions, and four soil samples.

At some point prior to 1976, human remains representing, at minimum, one individual were removed from an unknown location on U.S. Army Corps of Engineers property possibly near Site 25HN42 in Harlan County, NE. The human remains were not assigned an archeological site number but are designated 25HN00. The human remains represent one adult. No known individuals were identified. No associated funerary objects are present.

At some point prior to 1976, human remains representing, at minimum, one individual were removed from an unknown location on U.S. Army Corps of Engineers property possibly near Site 25HN42 in Harlan County, NE. The human remains were not assigned an archeological site number but are designated 25HN00. The human remains represent one adult. No known individuals were identified. No associated funerary objects are present.

The human remains listed in this notice were determined to be Native American based on archeological context, burial patterns, osteology, or associated diagnostic artifacts. Based on oral tradition and archeological evidence, the Kansas City District and the Nebraska State Historical Society have determined there is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects listed in this notice and the Native American people that are represented today by 37 Indian tribes.

Determinations Made by the NSHS

Officials of the NSHS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 40 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2,565 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Apache Tribe of Oklahoma; Arapaho Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Tribe of Indians; Delaware Nation, Oklahoma; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Otoe-Missouri Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Prairie Band of Potawattamie of Kansas; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Sac and Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Sioux Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Sioux Tribe of North Dakota; Standing Rock Sioux Tribe of North and South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation of North Dakota; Wichita and Affiliated Tribes; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Culturally Affiliated Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov,* by May 31, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Culturally Affiliated Tribes may proceed.

The NSHS is responsible for notifying The Culturally Affiliated Tribes that this notice has been published.

Dated: April 6, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–09177 Filed 4–30–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025405; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nebraska State Historical Society (NSHS) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the NSHS. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the NSHS at the address in this notice by May 31, 2018.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Nebraska State Historical Society, Lincoln, NE. The human remains were removed from Nance County, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NSHS professional staff in consultation with representatives of the Pawnee Nation of Oklahoma.

History and Description of the Remains

In 1936, human remains representing, at minimum, one individual were removed from the Wright Site (25NC3) in Nance County, NE. The human remains were excavated by the NSHS during an archeological investigation. Age and sex of the individual are indeterminate. No known individual was identified. There are no associated funerary objects.

The Wright Site is a well-documented, Pawnee earthlodge village. Human remains from the site have been previously repatriated to the Pawnee Nation of Oklahoma. In 2017, these human remains were found at the NSHS in a box labeled 'animal bone.'

Determinations Made by the NSHS

Officials of the NSHS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and Pawnee Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov,* by May 31, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Pawnee Nation of Oklahoma may proceed.

The NSHS is responsible for notifying the Pawnee Nation of Oklahoma that this notice has been published.

Dated: April 10, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–09174 Filed 4–30–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025396; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Discovery Place, Inc., Charlotte, NC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Discovery Place, Inc., has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Discovery Place, Inc. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Discovery Place, Inc. at the address in this notice by May 31, 2018.

ADDRESSES: Robyn Levitan, Discovery Place, Inc., 300 North Tryon Street, Charlotte, NC 28202, telephone (704) 372–6261 ext. 466, email *robynl@discoveryplace.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Discovery Place, Inc., Charlotte, NC. The human remains were removed from the Santee/Catawba River, Lancaster County, SC.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Discovery Place, Inc. professional staff in consultation with representatives of the Catawba Indian Nation (aka Catawba Tribe of South Carolina).

History and Description of the Remains

On July 22, 1977, human remains representing, at minimum, one individual were donated to Discovery Place, Inc. (then Discovery Place Nature Museum) by Otto Haas. Records indicate these human remains were removed by Otto Haas from a burial site on the Santee/Catawba River in Lancaster County, SC. No known individuals were identified. No associated funerary objects are present.

Determinations Made by Discovery Place, Inc.

Officials of Discovery Place, Inc. have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Catawba Indian Nation (aka Catawba Tribe of South Carolina).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Robyn Levitan, Discovery Place, Inc., 300 North Tryon Street, Charlotte, NC 28202, telephone (704) 372–6261 ext. 466, email *robynl@discoveryplace.org,* by May 31, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Catawba Indian Nation (aka Catawba Tribe of South Carolina) may proceed.

Discovery Place Inc. is responsible for notifying the Catawba Indian Nation (aka Catawba Tribe of South Carolina) that this notice has been published.

Dated: April 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–09173 Filed 4–30–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025393; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nebraska State Historical Society (NSHS) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the NSHS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the NSHS at the address in this notice by May 31, 2018.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Nebraska State Historical Society (NSHS), Lincoln, NE. The human remains and associated funerary objects were removed from locations in Nebraska.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NSHS professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and Winnebago Tribe of Nebraska.

The following tribes were invited to consult but did not participate: Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and Yankton Sioux Tribe of South Dakota.

History and Description of the Remains

At some time before 1915, human remains representing, at minimum, one individual were removed from the Bladen Ossuary (25AD4) in Adams County, NE. The human remains, represented by a single bone, were donated by the landowner to the NSHS in 1915. Age and sex of the individual are indeterminate. No known individuals were identified. The 11 associated funerary objects are one lot of marine and freshwater mussel shell disk beads, one whelk columella (*Busycon* sp.), five shell pendants, and four additional unmodified shell fragments.

In 1964, human remains representing, at minimum, five individuals were removed from Site 25AP29 in Antelope County, NE. The human remains were found in an ossuary during unspecified construction and were reported to and recovered by the NSHS. The human remains represent two males, two females, and one individual of indeterminate sex. No known individuals were identified. The five associated funerary objects are four pieces of sandstone and one piece of chert.

At some point before 1934, human remains representing, at minimum, one individual were removed from an unknown site in Boyd County, NE. The human remains were donated to the NSHS in 1934 or 1936 by George Wilcox. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1968, human remains representing, at minimum, one individual were removed from Site 25BT11, in Burt County, NE. The human remains were found during bridge construction. The NSHS was contacted to investigate and collected the exposed material. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In the 1930s, human remains representing, at minimum, one individual were removed from an unknown site in Cass County, NE, north of the City of Plattsmouth. The human remains were donated to the NSHS in the 1930s by Dr. Lloyd Kunkel. The human remains came with a note stating ''Indian burial north of Plattsmouth.'' Age and sex of the individual are indeterminate. No known individuals

were identified. No associated funerary objects are present.

In 1936 and 1937, human remains representing, at minimum, 34 individuals were removed from the Ashland Site (25CC1), in Cass County, NE. The human remains were excavated by the NSHS during archeological investigations. The human remains were found in six ossuaries each containing multiple individuals found mostly in disarticulation and fragmentary. The human remains represent two young adult females, four adult males, three adult females, one female child, and 24 individuals of unknown sex or age. No known individuals were identified. The 19 associated funerary objects are one shell bead, six charred fragments of unknown material, three fired clay balls, eight ceramic sherds, and one flint flake.

In 1937, human remains representing, at minimum, four individuals were removed from the Pawnee Creek Site (25CC2), in Cass County, NE. The human remains were excavated by the NSHS during archeological investigations. The human remains represent adults of unknown sex. No known individuals were identified. The 23 associated funerary objects are two ceramic sherds, three chipped stone knives, one chipped stone core, two chipped stone scrapers, two retouched chipped stone flakes, 12 chipped stone flakes, and one animal bone.

In 1949, human remains representing, at minimum, 48 individuals were removed from Site 25CC55, in Cass County, NE. The human remains were excavated by the NSHS following disturbance from topsoil removal for limestone quarrying. Age and sex of the individual are indeterminate. No known individuals were identified. The 103 associated funerary objects are three mussel shell beads, 84 unmodified stone fragments, one projectile point, five pigment fragments, one obsidian flake, one unmodified animal bone, two polished animal bones, and six shell fragments.

In 1959, human remains representing, at minimum three individuals were removed from Site 25CC62, in Cass County, NE. The human remains were excavated by the NSHS following disturbance from housing construction. The human remains represent one adult individual, one adult male 40–49 years old, and one infant. No known individuals were identified. The three associated funerary objects are two chipped stone flakes and one piece of charcoal.

In 1960, human remains representing, at minimum, one individual were removed from the Cogdill Site (25CC63), in Cass County, NE. The human remains were excavated by the NSHS following disturbance from agriculture. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1968, human remains representing, at minimum, one individual were removed from Site 25CC67, in Cass County, NE. The human remains were excavated by the NSHS following disturbance from rock quarrying. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1964, human remains representing, at minimum, one individual were removed from Site 25CC68, in Cass County, NE. The human remains were surface collected by the NSHS following disturbance from rock quarrying. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1964, human remains representing, at minimum, one individual were removed from Site 25CC92, in Cass County, NE. The human remains were excavated by the NSHS following disturbance from rock quarrying. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

Prior to 1993, human remains representing, at minimum, one individual were removed from an unknown site near the town of Wauneta, in Chase County, NE. The human remains were donated to the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In the 1960s, human remains representing one individual were removed from Site 25CM11, in Cuming County, NE. The human remains were donated to the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1981, human remains representing, at minimum, three individuals were removed from Site 25DD11, in Dodge County, NE. The human remains were excavated by the NSHS following a report of disturbance from construction by the Dodge County Sheriff's Office. The human remains represent an adult male, 30–39 years old, an adult female, 30–45 years old, and an adult female of unknown age. No known individuals were identified. The three associated funerary objects are two chipped stone flakes and one chipped stone projectile point tip.

In 1939, human remains representing one individual were removed from the Bobier Site (25DK1), in Dakota County, NE. The human remains were excavated by the University of Nebraska-Lincoln following disturbance from road construction and later donated to the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1934, human remains representing, at minimum, one individual were removed from an unknown location near the town of Haigler in Dundy County, NE. The human remains were donated to the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. The six associated funerary objects are ceramic sherds.

In 1961, human remains representing, at minimum, one individual were removed from Site 25DN20 in Dundy County, NE. The human remains were reported to and excavated by the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. The 28 associated funerary objects are one animal bone bead, 10 chipped stone flakes, one chipped stone core, six elk teeth, and 10 animal bones.

In 1935, human remains representing, at minimum, two individuals were removed from the Champe-Fremont Site (25DO1) in Douglas County, NE. The human remains were recovered during archeological excavations by the NSHS. One of the individuals is a female 25–34 years old and the other individual is an adult of unknown age and sex. No known individuals were identified. The nine associated funerary objects are three mussel shell fragments, one chipped stone flake, and five unmodified stones.

In 1938, human remains representing, at minimum, 83 individuals were removed from the Parker Site (25DO2) in Douglas County, NE. The human remains were recovered during archeological excavations by the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. The nine associated funerary objects are animal bones.

In 1938, human remains representing, at minimum, 98 individuals were removed from the Gordon-Havlicek Site (25DO4) in Douglas County, NE. The human remains were recovered during archeological excavations by the NSHS. The human remains represent 10 young adult females, seven young adult males, seven middle-age to elderly females, five middle-age to elderly males, two male children, three female children, 21 children of unknown sex, 10 infants of

unknown sex, and 33 adults of unknown age and sex. No known individuals were identified. The 90 associated funerary objects are seven stone cobbles, four pieces of burned earth, four pieces of charcoal, nine chipped stone flakes, five mussel shells, three projectile points, 43 other chipped stone tools, one bone awl, six deer antlers, one cut bison rib, three animal bones, and four cut mussel shells.

In 1966, human remains representing, at minimum, three individuals were removed from Site 25DO10 in Douglas County, NE. The human remains were excavated by the NSHS following a report of disturbance from road construction. The human remains represent two adults and one child of unknown age and sex. No known individuals were identified. No associated funerary objects are present.

In 1969, human remains representing, at minimum, one individual were removed from Site 25DW88 in Dawes County, NE. The human remains were recovered during archeological excavations by the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. The 58 associated funerary objects are one porcelain doll part, 54 glass beads, one white glass button, one bottle glass fragment, and one chipped stone flake.

In 1961, human remains representing, at minimum, one individual were removed from Site 25FN22 in Furnas County, NE. The human remains were excavated by the NSHS following a report of disturbance from road construction. The human remains represent one adult male 28–33 years old. No known individuals were identified. No associated funerary objects are present.

Prior to 1934, human remains representing, at minimum, one individual were removed from the Milo Hill Site (25FR1) in Franklin County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

Prior to 1934, human remains representing, at minimum, nine individuals were removed from the Dunn Ossuary (25FR2) in Franklin County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. The human remains represent one infant, two children, five adult females, and one adult male. No known individuals were identified. The 163 associated funerary objects are 33 loose shell beads, 32 strings of shells beads, six shell beads blanks, 85 unmodified mussel shells, one deer bone, one deer antler, and five other animal bones.

Prior to 1934, human remains representing, at minimum, two individuals were removed from the Dooley Site (25FR3) in Franklin County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. The human remains represent one child and one adult male 35–39 years old. No known individuals were identified. The 818 associated funerary objects are two wooden bowls, three animal bones, two brass kettle ears, two brass bells, two shell beds, one shell gorget, one bone awl, and 805 glass beads.

In 1934, human remains representing, at minimum, two individuals were removed from the Schnuerle Site (25FR9) in Franklin County, NE. The human remains were recovered during archeological excavations by the NSHS. The human remains represent one infant and one adult male 40–49 years old. No known individuals were identified. The 626 associated funerary objects are two ceramic sherds, two chipped stone projectile points, two chipped stone flakes, two unmodified stones, 64 bone beads, nine animal bones, 442 shell beads, 90 shell beads blanks, 12 mussel shells, and one piece of burned earth.

In 2017, several burned and calcined human bone fragments representing, at minimum, one individual were found in the NSHS collections and labeled '25G2.' While '25' indicates Nebraska, 'G2' cannot be associated with a particular county or site. The human remains represent one young adult of undetermined sex. No known individuals were identified. The 10 associated funerary objects are animal bones.

In the 1930s, human remains representing one individual were found at an unknown location in Garden County, NE, and given to the Lisco Public School. The human remains were transferred to the NSHS by the Garden County Sheriff in 1989. The human remains represent one individual of undetermined age and sex. No known individuals were identified. No associated funerary objects are present.

In 1950, human remains representing, at minimum, seven individuals were removed from the Massacre Canyon Site (25HK13) in Hitchcock County, NE. The human remains were excavated by the NSHS following discovery during railroad construction. The human remains represent three infants, three middle-aged to elderly males, and one young adult female. No known individuals were identified. The 152 associated funerary objects are 66 shell beads, 10 chipped stone flakes, three stones, three deer/antelope modified leg bones, seven stone knives, eight unmodified shells, 26 unmodified mammal/bird bones, 17 bone beads, two projectile points, seven stone scrapers, and three pieces of pigment.

In 1907, human remains representing, at minimum, one individual were removed from the Cairo Burial (25HL2) in Hall County, NE. The human remains were excavated by local people and turned over to the NSHS that same year. The human remains represent one adult male 30–34 years old. No known individuals were identified. The 14 associated funerary objects are four eagle bones, one eagle skin fragment, one copper button, two fragments of cloth, one piece of carved wood, four unmodified wood fragments, and one copper fragment.

Prior to 1934, human remains representing, at minimum, one individual were removed from the Marshall Ossuary (25HN1) in Harlan County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. The human remains represent one adult of unknown age and sex. No known individuals were identified. The three associated funerary objects are one piece of burned earth, one piece of chipped stone flaking debris, and one lot of shell beads.

Prior to 1934, human remains representing, at minimum, six individuals were removed from the Orleans Ossuary (25HN3) in Harlan County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. The human remains represent two adult females, one middle-age to elderly male, one infant of unknown sex, and two individuals of unknown age and sex. No known individuals were identified. The 464 associated funerary objects are 57 pottery fragments, 158 stone flakes, one stone scraper, one stone knife, 11 unmodified stones, one animal tooth, 107 shell beads, and 128 unmodified shells fragments.

At some point prior to 1948, human remains representing, at minimum, one individual were removed from archeological site 25FT39 in Frontier County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point after 1948. Age and sex of the human remains is indeterminate. No known individuals were identified. No associated funerary objects are present.

At some point prior to 1996, human remains representing, at minimum, one individual were removed from an unknown location in Nebraska. The human remains were donated to the NSHS anonymously from a person in New York State in 1996 with a note stating they were from Nebraska but with no additional information. The human remains represent one juvenile individual. Sex of the human remains is indeterminate. No known individuals were identified. The 87 associated funerary objects are 84 glass trade beads, two copper wires, and one metal button.

At some point in the 1960s, human remains representing, at minimum, one individual were removed from an unknown location in Hooker County, NE, and donated to the NSHS. They are assigned the number 25HO0. The human remains represent one adult female. No known individuals were identified. No associated funerary objects are present.

In 1939, human remains representing, at minimum, two individuals were removed from Site 25HW6 in Howard County, NE. The human remains were excavated by the NSHS during archeological investigations. The human remains represent two adults of unknown age and sex. No known individuals were identified. No associated funerary objects are present.

In 1958, human remains representing, at minimum, two individuals were removed from Site 25KH10 in Keith County, NE. The human remains were discovered eroding from a county road and excavated by local individuals and turned over to the NSHS. Age and sex of the two individuals are indeterminate. No known individuals were identified. The two associated funerary objects are one animal bone and one stone.

At an unknown date, human remains representing, at minimum, four individual were removed from an unknown site near Lake McConaughy in Keith County, NE. The human remains were donated to the NSHS by a private individual in December of 2017. The human remains represent one adult male over 50 years old, one young adult male, one female child, and one child of unknown sex. No known individuals were identified. The two associated funerary objects are one animal bone and one modified animal rib.

On an unknown date, human remains representing, at minimum, one individual was removed from the Springview Burial Site (25KP1) in Keya Paha County, NE. The human remains were discovered during county road construction and excavated by unknown individuals and turned over to the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, six individuals were removed from an unknown site in the Bloomfield area in Knox County, NE. The human remains were donated to the NSHS. The human remains represent four adults and two children of unknown age and sex. No known individuals were identified. No associated funerary objects are present.

In 1963, human remains representing, at minimum, two individuals were removed from Site 25KX202 in Knox County, NE. The human remains were heavily disturbed by looting and collected by the NSHS based on a report from unknown persons. The human remains represent one adult of unknown age and sex and one child about two years old and of unknown sex. No known individuals were identified. No associated funerary objects are present.

In 1964, human remains representing, at minimum, five individuals were removed from the Niobrara Bridge Site (25KX207) in Knox County, NE. The human remains were excavated by the University of South Dakota and turned over to the NSHS in 1989. The human remains were in a disturbed context as a result of railroad bridge construction. The human remains represent one male 27–30 years old, one male 60+ years old, one female 40–54 years old, one female 20–29 years old, and one child of unknown sex and 9.5–10.5 years old. No known individuals were identified. The 52 associated funerary objects are two stone projectile points, seven stone flakes, one stone axe, five unmodified mussel shells, 23 mussel shell ornaments, one seed, four pieces of burned earth, four pottery sherds, and five stones.

On an unknown date, human remains representing, at minimum, one individual was removed from the Schrader Site (25LC1) in Lancaster County, NE. The human remains were donated to the NSHS by an unknown person. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

At some point between 1916 and 1918, human remains representing, at minimum, one individual were removed from an unknown site between the communities of Maywood and Wellfleet in Lincoln County or Frontier County, NE. The human remains were donated to the NSHS by a private individual in December of 2017. Age and sex of the human remains are indeterminate. No known individuals were identified. The two associated funerary objects are metal bracelet fragments.

In 1988, human remains representing, at minimum, two individuals were removed from the Buffalo Springs Site (25MO13) in Morrill County, NE. The human remains were discovered during placement of a utility line and collected by the NSHS based on a report from the property owner. The human remains represent two adult females. No known individuals were identified. The six associated funerary objects are one wood fragment, one animal bone, one piece of charcoal, one chipped stone flake, one glass fragment, and one lot of nails.

In 1982, human remains representing, at minimum, one individual were removed from Site 25MO80 in Morrill County, NE. The human remains were discovered during highway construction and recovered by the NSHS. The human remains represent one adult 18–25 years old of unknown sex. No known individuals were identified. The one associated funerary object is one chipped stone projectile point.

In 1951, human remains representing, at minimum, eight individuals were removed from the Dry Lake Burial Site (25MP2) in McPherson County, NE. The human remains were excavated during archeological investigations by the NSHS. The human remains represent one newborn of unknown sex, two infants of unknown sex, one male child 4.5 to 5.5 years old, one male child 5.5–6.5 years old, one female child 12.5–13.5 years old, one adult female 20–24 years old, and one adult female 30–34 years old. No known individuals were identified. The 72 associated funerary objects are 23 stone scrapers, six antler knapping tools, three atlatl weights, six stone knives, 16 turtle shell fragments, one stone projectile point perform, one pronghorn bone, two deer bones, one animal bone knife, two stone projectile points, one animal bone scraper, one retouched stone flake, two stone cores, one antler shaft wrench, five red-stained bird bones, and one piece of red pigment.

In 1940, human remains representing, at minimum, three individuals were removed from the Wozney Site (25NC13) in Nance County, NE. The human remains were excavated during archeological investigations by the NSHS. The human remains represent three adults of unknown age and sex. No known individuals were identified. The 24 associated funerary objects are two stone projectile points, 11 stone knives, four stone scrapers, two retouched stone flakes, one mussel shell, one animal bone awl, two worked

animal scapula fragments, and one antler fragment.

In 1940, human remains representing, at minimum, 20 individuals were removed from the Site 25NH4 in Nemaha County, NE. The human remains were excavated during archeological investigations by the NSHS although the site had been previously disturbed. Age and sex of the individuals are indeterminate. No known individuals were identified. The 635 associated funerary objects are 16 mussel shells, four charred wood fragments, 39 ceramic sherds, 44 animal bone bracelet fragments, 478 mussel shell beads, one complete ceramic pot, 32 chipped stone flakes, one groundstone tool, two antler tools, three sandstone abraders, two pieces of hematite, one chipped stone core, eight stones, one piece of burned earth, two chipped stone scrapers, and one chipped stone knife.

In 1937, human remains representing, at minimum, one individual was removed from Site 25NH13 in Nemaha County, NE. The human remains were collected from the surface during archeological investigations by the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1975, human remains representing, at minimum, three individuals were removed from the Sweat Bee Site (25NH50) in Nemaha County, NE. The human remains were excavated by the NSHS following a report of disturbance from road construction. The human remains represent one child and two adults of unknown age and sex. No known individuals were identified. The 13 associated funerary objects are limestone slabs and fragments.

In 1936 and 1941, human remains representing, at minimum, four individuals were removed from the Bakenhus Ossuary Site (25PT4) in Platte County, NE. The human remains were excavated during archeological investigations by the NSHS. The human remains represent three adult females and one adult male of unknown age. No known individuals were identified. The 60 associated funerary objects are 41 ceramic sherds, five chipped stone flakes, one piece of sandstone, 11 cobbles, one bone awl, and one perforated mussel shell.

In 1941, human remains representing, at minimum, one individual were removed from the Feye Site (25PT9) in Platte County, NE. The human remains were excavated during archeological investigations by the NSHS. Age and sex of the individual are indeterminate. No known individuals were identified. The seven associated funerary objects are one polished antler, one antler fragment, two ceramic sherds, one pecking stone, one piece of red pigment, and one mussel shell.

In 1941, human remains representing, at minimum, seven individuals were removed from the South Bakenhus Site (25PT14) in Platte County, NE. The human remains were excavated during archeological investigations by the NSHS. Age and sex of the individuals are indeterminate. No known individuals were identified. The 16 associated funerary objects are eight ceramic sherds, one chipped stone flake, five stones, one clay pipe, and one antler fragment.

In 1937, human remains representing, at minimum, two individuals were removed from Site 25RH3 in Richardson County, NE. The human remains were found on the surface of the site during archeological investigations by the NSHS. The human remains represent one adult and one infant. No known individuals were identified. No associated funerary objects are present.

In 1994, human remains representing, at minimum, one individual were removed from Site 25RH69 in Richardson County, NE. The human remains were found during archeological excavations by the NSHS in response to damage by road construction. Age and sex of the individual are indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1942, human remains representing, at minimum, three individuals were removed from a site of unknown location in the vicinity of Falls City in Richardson County, NE. The human remains were donated to the NSHS by unknown persons. The human remains represent two middle-aged females and one male child 10–12 years old. No known individuals were identified. No associated funerary objects are present.

In 1936, human remains representing, at minimum, two individuals were removed from a site of unknown location in the vicinity of Rulo in Richardson County, NE. The human remains had initially been curated by the Wyandotte County (Kansas) Historical Society and later by the Kansas State Historical Society (KSHS). When it became apparent, in 2017, that the human remains originated in Nebraska, the KSHS requested that they be transferred to the NSHS. The human remains represent one adult of unknown sex and one adult female. No known individuals were identified. No associated funerary objects are present.

In 1957, human remains representing, at minimum, two individuals were removed from the Indianola Burial Site (25RW2) in Red Willow County, NE. The human remains were discovered during road construction and excavated by the NSHS. Age and sex of the individuals are indeterminate. No known individuals were identified. The 16 associated funerary objects are two stone projectile points, one shell pendant, seven drilled shell beads, four mica sheet fragments, one stone core, and one piece of red ochre stained soil.

In 1962, human remains representing, at minimum, five individuals were removed from the Doyle Site (25RW28) in Red Willow County, NE. The human remains were discovered during archeological investigations by the NSHS. The human remains represent one child 1.5–2.5 years old, two children 3.5–4.5 years old, one female 50–59 years old, and 1 older adult of unknown sex. No known individuals were identified. The 20 associated funerary objects are two pieces of charcoal, two mussel shells, 10 animal bones, two ceramic sherds, two chipped stone flakes, one animal bone bead, and one stone.

In 1936, human remains representing, at minimum, 45 individuals were removed from the Christensen Site (25SD3) in Saunders County, NE. The human remains were discovered during archeological investigations by the NSHS. The human remains are extremely fragmentary and the age and sex of the individuals are indeterminate. No known individuals were identified. The seven associated funerary objects are one ceramic pipe and six animal bones.

In 1939, human remains representing, at minimum, one individual were removed from the Whelen Site (25SM2) in Sherman County, NE. The human remains were discovered during archeological investigations by the NSHS. The age and sex of the individual is indeterminate. No known individuals were identified. The 107 associated funerary objects are one atlatl weight, 63 ceramic sherds, five chipped stone tools, four chipped stone flakes, 21 animal bones, one hardened ash clumps, two cobbles, two modified animal bones, six mussel shells, one piece of sandstone, and one ground stone tool.

In 1980, human remains representing, at minimum, one individual were removed from the Packer Site (25SM9) in Sherman County, NE. The human remains were discovered during archeological investigations by an avocational archeologist and turned over to the NSHS. The human remains represent one adult female. No known

individuals were identified. No associated funerary objects are present.

In 1983, human remains representing, at minimum, one individual was removed from Site 25SM15 in Sherman County, NE. The human remains were discovered during construction and turned over to the NSHS. The human remains represent one adult of unknown sex. No known individuals were identified. No associated funerary objects are present.

In 1967, human remains representing, at minimum, four individuals were removed from Site 25ST12 in Stanton County, NE. The human remains were excavated by the NSHS following a report of disturbance from cattle feed lot construction. The human remains are those of one male over 60 years old, one female 50–59 years old, one female 18–20 years old, and one male 50–59 years old. No known individuals were identified. The two associated funerary objects are animal bones.

In 1990, human remains representing, at minimum, one individual were removed from Site 25SX25 in Sioux County, NE. The human remains were excavated by the NSHS following a report of disturbance from erosion by the Sioux County Sherriff's Office. The human remains are those of one female 16–18 years old. No known individuals were identified. No associated funerary objects are present.

In 1959, human remains representing, at minimum, one individual were removed from Site 25SX130 in Sioux County, NE. The human remains were excavated by the NSHS following a report of disturbance from erosion by a private property owner. The human remains are those of one male 20–25 years old. No known individuals were identified. The two associated funerary objects are one animal bone and one chipped stone flake.

In 1959, human remains representing, at minimum, eight individuals were removed from the Warren Robinson or Westcott Site (25SY8) in Sarpy County, NE. The human remains were excavated by the NSHS following a report of disturbance from housing construction. The age and sex of the human remains are unknown. No known individuals were identified. The funerary objects listed in the collection records (eight projectile points and one stone) were not located during the original NAGPRA inventory of the collection in the 1990s and have still not been located.

In 1964, human remains representing, at minimum, one individual were removed from the Gretna Fish Hatchery Site (25SY16) in Sarpy County, NE. The human remains were excavated by the NSHS following discovery during fish hatchery pond draining. The human remains represent one female over 50 years old. No known individuals were identified. The one associated funerary object is a mussel shell.

In 1954, human remains representing, at minimum, five individuals were removed from the Durflinger Site (25TY5) in Thayer County, NE. The human remains were excavated by the NSHS following a report of disturbance from erosion by a private property owner. Age and sex of the human remains are indeterminate. No known individuals were identified. No associated funerary objects are present although the landowner reported the human remains were beneath limestone slabs that were not retained.

In 1939, human remains representing, at minimum, one individual were removed from the Schultz Site (25VY1) in Valley County, NE. The human remains were excavated by the NSHS during archeological investigations. Age and sex of the human remains are indeterminate. No known individuals were identified. The two associated funerary objects are ceramic sherds.

In 1939, human remains representing, at minimum, one individual were removed from the Combs Ossuary (25VY2) in Valley County, NE. The human remains were excavated by the NSHS during archeological investigations. Age and sex of the human remains are indeterminate. No known individuals were identified. The eight associated funerary objects are one marine shell and seven fired clay lumps.

In 1938, human remains representing, at minimum, 24 individuals were removed from the O'Hanlon Site (25WN6) in Washington County, NE. The human remains were excavated by the NSHS during archeological investigations. The human remains represent one child 0–.5 years old, one child .5–1.5 years old, one child 4.5–5.5 years old, one child 5.5–6.5 years old, one child 7.5–8.5 years old, four females 18–27 years old, one male 25–34 years old, two males 30–39 years old, two males 35–49 years old, one male 40–59 years old, six adult females of unknown age, one adult male of unknown age, and two adults of unknown age and sex. No known individuals were identified. The 21 associated funerary objects are18 mussel shell beads and three animal bones.

In 1932, human remains representing, at minimum, 12 individuals were removed from the Guide Rock Ossuary Site (25WT3) in Webster County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. The human remains represent one fetal/neonates, three children .5–1.5 years old, one child 2–4 years old, one female child 8.5–9.5 years old, one male 25–35 years old, one female 18–20 years old, one female 20–25 years old, one female 24–29 years old, one female 30–34 years old, and one female 45–55 years old. No known individuals were identified. The 268 associated funerary objects are 205 shell beads, five drilled animal teeth, four stones, 16 animal bone beads, 18 fragments of shell, one chipped stone scraper, one chipped stone knife, three chipped stone flakes, four chipped stone projectile points, and 11 animal bones.

At some point between 1929 and 1932, human remains representing, at minimum, 22 individuals were removed from the Robb Ossuary Site (25WT4) in Webster County, NE. The human remains were excavated by A.T. Hill and later donated to the NSHS at some point between 1937 and 1941. Age and sex of the human remains are indeterminate. No known individuals were identified. The 148 associated funerary objects are 19 ceramic sherds, 13 chipped stone tools, one bird bone bead, one drilled mammal tooth, eight shell pendants, three cut mussel shells, 62 shell beads, and 41 shell fragments.

At some point before 1934, human remains representing, at minimum, one individual were removed from an unknown site in Boyd County, NE, near the town of Naper. The human remains were donated to the NSHS in 1934 by Dr. Charles Zimmerman (museum collection 4364–232). Age and sex of the human remains are indeterminate. No known individuals were identified. No associated funerary objects are present.

At some point prior to 1934, human remains representing, at minimum, one individual were removed from an unknown location near Crawford, NE, in Dawes or Sioux counties. The human remains were donated to the NSHS by Edward Murphy (museum collection no. 1917). Age and sex of the human remains are indeterminate. No known individuals were identified. The two associated funerary objects are wire bracelets.

At some point prior to 1944, human remains representing, at minimum, one individual were removed from an unknown location in Nebraska along the Elkhorn River. The human remains were donated to the NSHS by a Mr. Schroeder (museum collection no. 8171–1 [alternate number 2857]). Age and sex of the human remains are indeterminate. No known individuals were identified. No associated funerary objects are present.

The human remains listed in this notice were determined to be Native American based on archeological

context, burial patterns, osteology, or associated diagnostic artifacts. Based on oral tradition and archeological evidence, the Nebraska State Historical Society has determined there is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects listed in this notice and the Native American people that are represented today by 37 Indian tribes.

Determinations Made by the NSHS

Officials of the NSHS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 552 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 4,200 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Apache Tribe of Oklahoma; Arapaho Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Tribe of Indians; Delaware Nation, Oklahoma; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Otoe-Missouri Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Prairie Band of Potawattamie of Kansas; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Sac and Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Sioux Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Sioux Tribe of North Dakota; Standing Rock Sioux Tribe of North and South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation of North Dakota; Wichita and Affiliated Tribes; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Culturally Affiliated Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov,* by May 31, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Culturally Affiliated Tribes may proceed.

The NSHS is responsible for notifying The Culturally Affiliated Tribes that this notice has been published.

Dated: April 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–09172 Filed 4–30–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025389; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nebraska State Historical Society, Lincoln, NE; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Nebraska State Historical Society (NSHS) has corrected an inventory of human remains and associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** on May 3, 2017. This notice corrects the cultural affiliation determined in that notice. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the NSHS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the NSHS at the address in this notice by May 31, 2018.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Nebraska State Historical Society, Lincoln, NE. The human remains and associated funerary objects were removed from Custer and Franklin Counties, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the cultural affiliation determination published in a Notice of Inventory Completion in the **Federal Register** (82 FR 20618–20619, May 3, 2017). Additional information and consultation resulted in a change to the previous determination that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations.

Correction

In the **Federal Register** (82 FR 20618, May 3, 2017), column 1, paragraph 2, sentence 1, under the heading ''Summary,'' is corrected by replacing the words ''no cultural affiliation'' with the words ''a cultural affiliation.''

In the **Federal Register** (82 FR 20618, May 3, 2017), column 2, paragraph 4, under the heading ''Consultation,'' is corrected by substituting the following two paragraphs:

A detailed assessment of the human remains was made by the NSHS professional staff in consultation with representatives of the Arapaho Tribe of the Wind River

Reservation, Wyoming; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and Winnebago Tribe of Nebraska.

The following tribes were invited to consult but did not participate: Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and Yankton Sioux Tribe of South Dakota.

In the **Federal Register** (82 FR 20618, May 3, 2017), column 3, under the heading ''History and Description of the Remains,'' is corrected by inserting the following paragraph after paragraph 2:

The human remains listed in this notice were determined to be Native American based on archeological context, burial patterns, osteology, or associated diagnostic artifacts. Based on oral tradition and archeological evidence, the Nebraska State Historical Society has determined there is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects listed in this notice and the Native American people that are represented today by 37 Indian tribes.

In the **Federal Register** (82 FR 20618, May 3, 2017), column 3, paragraph 7, under the heading ''Determinations Made by the Nebraska State Historical Society,'' is corrected by substituting the following paragraph:

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Apache Tribe of Oklahoma; Arapaho Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Delaware Tribe of Indians; Delaware Nation, Oklahoma; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Otoe-Missouri Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Prairie Band of Potawattamie of Kansas; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Sac and Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Sioux Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Sioux Tribe of North Dakota; Standing Rock Sioux Tribe of North and South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation of North Dakota; Wichita and Affiliated Tribes; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Culturally Affiliated Tribes'').

In the **Federal Register** (82 FR 20619, May 3, 2017), column 1, under the heading ''Determinations Made by the Nebraska State Historical Society,'' is corrected by deleting paragraphs 1 and 2.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov,* by May 31, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Culturally Affiliated Tribes may proceed.

The NSHS is responsible for notifying The Culturally Affiliated Tribes that this notice has been published.

Dated: April 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–09176 Filed 4–30–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025406; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nebraska State Historical Society (NSHS) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the NSHS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the NSHS at the address in this notice by May 31, 2018.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the NSHS. The human remains and

associated funerary objects were removed from Sarpy County, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NSHS professional staff in consultation with representatives of the Omaha Tribe of Nebraska.

History and Description of the Remains

In 1954, human remains representing, at minimum, one individual were removed from archeological site 25SY15 in Sarpy County, NE. In 1883, one or more burials reported to be affiliated with Chief Big Elk and the Omaha Tribe of Nebraska were uncovered during construction of Bellevue College and reburied on campus. In June 1954, during construction work on the campus, the reburied remains were removed, and were reinterred in Bellevue Cemetery; members of the Omaha Tribe of Nebraska and a chaplain from nearby Offut Air Force Base officiated. The NSHS was involved in the 1954 exhumation, during which it collected several human bone fragments and a sample of associated funerary objects. These human remains and funerary objects have been curated at the NSHS. The age and sex of the individual are indeterminate. No known individual was identified. The 47 associated funerary objects are one spoon, one knife with bone handle, one pair scissors, three brass ornaments, one brass bracelet, one brass fragment, one whetstone, two copper ear bobs, one military button, one box of fabric, six kettle fragments, five knife blade fragments, 13 metal fragments, four mussel shells, two spoon fragments, one metal strainer, two wood fragments, and one mammal canine tooth.

The associated funerary objects are consistent with assemblages found in 19th century Native America interments. All archival information appears to indicate that interments containing such assemblages of funerary objects are culturally affiliated with the Omaha Tribe of Nebraska. However, the small sample of human remains and associated funerary objects collected precludes a specific association with Chief Big Elk.

Determinations Made by the NSHS

Officials of the NSHS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 47 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Omaha Tribe of Nebraska.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 525–1624, email *rob.bozell@nebraska.gov,* by May 31, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Omaha Tribe of Nebraska may proceed.

The NSHS is responsible for notifying the Omaha Tribe of Nebraska that this notice has been published.

Dated: April 10, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–09175 Filed 4–30–18; 8:45 am]

BILLING CODE 431–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CAJO–25264; PPNECAJO00 PPMPSPD1Z.Y00000]

Captain John Smith Chesapeake National Historic Trail Advisory Council Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Captain John Smith Chesapeake National Historic Trail Advisory Council (Council) will meet as indicated below.

DATES: The Council will meet on Tuesday, May 15, 2018, from 9:30 a.m. to 4:30 p.m., and on Wednesday, May 16, 2018, from 9:00 a.m. to 12:30 p.m. (EASTERN). A public comment period will be held on Tuesday from 4–4:30 p.m. and Wednesday from 12–12:30 p.m.

ADDRESSES: The meeting will be held at the Historic Jamestown Visitor Center, 1368 Colonial Parkway, Jamestown, Virginia 23081.

FOR FURTHER INFORMATION CONTACT: Christine Lucero, Partnership Coordinator, telephone (757) 856–1213; email *christine_lucero@nps.gov*.

SUPPLEMENTARY INFORMATION: Designated through an amendment to the National Trails System Act (16 U.S.C. 1241 to 1251, as amended), the Captain John Smith Chesapeake National Historic Trail consists of ''a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Delaware, and in the District of Columbia,'' tracing the 1607–1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay. In 2012, the trail was extended to include four river segments closely associated with Captain John Smith's exploration of the Chesapeake Bay, including the north and west branches of the Susquehanna River.

The Designated Federal Officer for the Council is Jonathan Doherty, Assistant Superintendent, NPS Chesapeake Bay Office, telephone (410) 260–2477 or email *jonathan_doherty@nps.gov*.

Purpose of the Meeting: The purpose of the meeting is to discuss segment planning, land and resource management, and the National Register of Historic Places eligibility process. The meeting is open to the public.

Preregistration is required for public attendance. Any individual who wishes to attend the meeting should register via email at *christine_lucero@nps.gov* or telephone (757) 856–1213. To the extent that time permits, the Council chairman will allow public presentation of oral comments at the meeting. Any member of the public may file written statements with the Council before, during, or up to 30 days after the meeting either in person or by email. To allow full consideration of information by Council members, written comments must be provided to Christine Lucero at *christine_lucero@nps.gov* at least two (2) business days prior to the meeting. Any written comments received prior to the meeting will be provided to the Council members at the meeting.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal indentifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2018–09109 Filed 4–30–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1042]

Certain Hybrid Electric Vehicles and Components Thereof; Commission Decision Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation Based on Settlement and Patent License Agreements; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 36) of the presiding Administrative Law Judge (''ALJ'') granting a joint motion to terminate the investigation based on settlement and patent license agreements. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–1042 on March 10, 2017, based on a complaint filed by Paice LLC and Abell Foundation, Inc. of Baltimore, Maryland. *See* 82 FR 13363–64 (Mar. 10, 2017). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hybrid electric vehicles and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,104,347; U.S. Patent No. 7,237,634; U.S. Patent No. 7,455,134; U.S. Patent No. 7,559,388; and U.S. Patent No. 8,214,097. *See id.* The notice of investigation named Ford Motor Company of Dearborn, Michigan as a respondent in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On April 3, 2018, the parties filed a joint motion to terminate the investigation based on settlement and patent license agreements (''the Agreements''). On April 9, 2018, the ALJ issued the subject ID (Order No. 36) granting the parties' joint motion. The ID finds that: ''[t]he [joint] motion complies with the Commission Rules.'' *See* ID at 1. In particular, the ID notes that ''[p]ursuant to Commission Rule 210.21(b)(1)[, 19 CFR 210.21(b)(1)], the movants state: 'There are no other agreements, written or oral, express or implied, between [the parties] concerning the subject matter of this Investigation.' '' *See* ID at 1–2. Furthermore, the ID ''does not find any evidence'' indicating that terminating the investigation would be ''contrary'' to the public interest. *See* ID at 2 (citing 19 CFR 210.50(b)(2)).

No petition for review of the ID was filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 26, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–09145 Filed 4–30–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–894 (Third Review)]

Certain Ammonium Nitrate From Ukraine; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on certain ammonium nitrate from Ukraine would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted May 1, 2018. To be assured of consideration, the deadline for responses is May 31, 2018. Comments on the adequacy of responses may be filed with the Commission by July 13, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On September 12, 2001, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of certain ammonium nitrate from Ukraine (66 FR 47451). Following the first five-year reviews by Commerce and the Commission, effective July 9, 2007, Commerce issued a continuation of the

antidumping duty order on imports of certain ammonium nitrate from Ukraine (72 FR 37195). Following the second five-year reviews by Commerce and the Commission, effective June 12, 2013, Commerce issued a continuation of the antidumping duty order on imports of certain ammonium nitrate from Ukraine (78 FR 35258). The Commission is now conducting a third review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is Ukraine.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, the Commission defined the *Domestic Like Product* coextensively with the scope of subject merchandise as fertilizer grade ammonium nitrate products with a bulk density equal to or greater than 53 pounds per cubic foot. In its full first and second five-year review determinations, the Commission defined a single *Domestic Like Product* as consisting of certain ammonium nitrate corresponding to Commerce's scope, which remained unchanged from the scope definition in the original investigation.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its full first and second five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of the ammonium nitrate corresponding to Commerce's scope.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 31, 2018. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is July 13, 2018. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the

public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 18–5–407, expiration date June 30, 2020. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be provided in response to this notice of institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2012.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2017, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2017 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2017 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2012, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: April 23, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08793 Filed 4–30–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1110]

Certain Strontium-Rubidium Radioisotope Infusion Systems, and Components Thereof Including Generators; Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 27, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Bracco Diagnostics Inc. of Monroe Township, New Jersey. An amended complaint was filed on April 13, 2018. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain strontium-rubidium radioisotope infusion systems, and components thereof including generators by reason of infringement of U.S. Patent No. 9,814,826 (''the '826 patent''); U.S. Patent No. 9,750,869 (''the '869 patent''); and U.S. Patent No. 9,750,870 (''the '870 patent''). The amended complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 24, 2018, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain strontium-rubidium radioisotope infusion systems, and components thereof including generators by reason of infringement of one or more of claims 1–3, 5, 9–14, 17–19, 26, and 28 of the '826 patent; claims 1–5, 8, 14, 24, and 27–30 of the '869 patent; and claims 1, 2, 8–13, 16, 17, 22, and 27 of the '870 patent; and whether an industry in the United States exists, or is in the process of being established, as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Bracco Diagnostics Inc., 259 Prospect Plains Road, Building H, Monroe Township, NJ 08831.

(b) The respondents are the following entities alleged to be in violation of

section 337, and are the parties upon which the complaint is to be served:

Jubilant DraxImage Inc., 16751 TransCanada Highway, Kirkland, Québec, Canada, H9H 4J4

Jubilant Pharma Limited, 6 Temasek Boulevard, #20–06 Suntec City, Tower Four, Singapore 038986

Jubilant Life Sciences, Plot 1–A Sector 16–A Institutional Area, Noida, Uttar Pradesh, 201301 India

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 25, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–09068 Filed 4–30–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 5–18]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, May 10, 2018: 10:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street NW, Suite 10300, Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 601 D Street NW, Suite 10300, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2018–09098 Filed 4–26–18; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

U.S. Marshals Service

[OMB Number 1105—NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Proposed Collection; Comments Requested: Form CSO–005, Preliminary Background Check Form

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service (USMS), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on January 17, 2018, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 31, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Nicole Timmons either by mail at CG–3, 10th Floor, Washington, DC 20530–0001, by email at *Nicole.Timmons@usdoj.gov,* or by telephone at 202–236–2646. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Form CSO–005, Preliminary Background Check Form.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: CSO–005.

Component: U.S. Marshals Service, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Court Security Officers/Special Security Officer (CSO/SSO) Applicants.

Abstract: The CSO–005 Preliminary Background Check Form is used to collect applicant information for CSO/SSO positions. The applicant information provided to USMS from the Vendor gives information about which District and Facility the applicant will be working, the applicant's personal information, prior employment verification, employment performance and current financial status. The information allows the selecting official to hire applicants with a strong history of employment performance and financial responsibility. The questions on this form have been developed from the OPM, MSPB and DOJ ''Best Practice'' guidelines for reference checking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 750 respondents will utilize the form, and it will take each respondent approximately 60 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 750 hours, which is equal to 750 (total # of annual responses) * 1 (60 mins).

(7) *An Explanation of the Change in Estimates:* N/A.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 26, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–09181 Filed 4–30–18; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Office of Disability Employment Policy Technical Assistance Centers Customer Satisfaction Study; Office of the Secretary

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Disability Employment Policy sponsored information collection request (ICR) proposal titled, ''Office of Disability Employment Policy Technical Assistance Centers Customer Satisfaction Study,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 31, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201705-1230-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ODEP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. 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 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Office of Disability Employment Policy Technical Assistance (TA) Centers Customer Satisfaction Study information collection. The DOL will methodically study the level of customer satisfaction with the TA Centers that assist employers, Federal agencies, State governments, not-for-profit n-profits, individuals with disabilities, and others with technical assistance and policy development concerning the integration of people with disabilities into employment. The study will include data collected from short and in-depth surveys as well as qualitative interviews with customers and TA center staff. Consolidated Appropriations Act of 2016 section 107 authorizes this information collection. *See* Public Law 114–113.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on June 13, 2017 (82 FR 27080).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201705–1230–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ODEP.

Title of Collection: Office of Disability Employment Policy Technical Assistance Centers Customer Satisfaction Study.

OMB ICR Reference Number: 201705–1230–001.

Affected Public: Individuals or Households; State, Local, and Tribal Governments; Federal Government; and Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 14,619.

Total Estimated Number of Responses: 14,619.

Total Estimated Annual Time Burden: 1,793 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 25, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–09124 Filed 4–30–18; 8:45 am]

BILLING CODE 4510–FK–P

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at 202–693–4734.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, May 18, 2018 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Wednesday, May 30, 2018 beginning at 9:00 a.m. and ending at approximately 4:00 p.m. (EST).

ADDRESSES: The meeting will take place at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210, Conference Room N–3437 A & B. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Assistant Designated Federal Official for the ACVETEO, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for VETS, with respect to outreach activities and employment and training needs of Veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m. Welcome and remarks, Matthew M. Miller, Deputy Assistant Secretary, Veterans' Employment and Training Service
9:05 a.m. Administrative Business, Mika Cross, Designated Federal Official
9:10 a.m. BLS brief on the 2017 Employment Situation of Veterans
10:00 a.m. Break
10:10 a.m. Subcommittee Discussion/ Development, Mika Cross, Designated Federal Official
11:00 a.m. Break
11:10 a.m. Transition & Training Subcommittee Discussion
12:10 p.m. Lunch
1:00 p.m. Barriers to Employment Subcommittee Discussion
2:00 p.m. Break
2:10 p.m. Direct Services Subcommittee Discussion
3:10 p.m. Break
3:30 p.m. Public Forum, Mika Cross, Designated Federal Official
4:00 p.m. Adjourn

Security Instructions: Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets NW. For security purposes meeting participants must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: The meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).

3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

Notice of Intent To Attend the Meeting: All meeting participants are being asked to submit a notice of intent to attend by Friday, May 18, 2018, via email to Mr. Gregory Green at *green.gregory.b@dol.gov,* subject line ''May 2018 ACVETEO Meeting.''

Signed in Washington, DC, this 25th day of April 2018.

Matthew M. Miller,

Deputy Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2018–09198 Filed 4–30–18; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–036)]

Notice of Intent To Grant Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the invention described and claimed in U.S. Patent Application Number 15/149,451 entitled, ''Automatic Dependent Surveillance Broadcast (ADS–B) System with Radar for Ownship and Traffic Situational Awareness'', DRC–011–012, to Vigilant Aerospace Systems, Inc., having its principal place of business in Oklahoma City, OK. The fields of use may be limited to Civil Aviation, Civil Aviation support, and related non-military use.

DATES: The prospective partially exclusive patent license may be granted unless NASA receives written objections, including evidence and argument no later than May 16, 2018 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of

federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later May 16, 2018 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, NASA Management Office of Chief Counsel, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C Pasadena, CA 91109. Phone (818) 854–7770. Facsimile (818) 393–2607.

FOR FURTHER INFORMATION CONTACT: Mark Homer, Patent Counsel, NASA Management Office of Chief Counsel, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C Pasadena, CA 91109. Phone (818) 854–7770. Facsimile (818) 393–2607.

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209e and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive patent license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov*.

Mark Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2018–09128 Filed 4–30–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 18–038]

Applied Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Applied Sciences Advisory Committee (ASAC). This Committee functions in an advisory capacity to the Director, Earth Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the applied sciences community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, June 5, 2018, 8:30 a.m. to 5:00 p.m., and Wednesday, June 6, 2018, 8:30 a.m. to 3:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 1Q39 (Day 1) and Room 3D42 (Day 2), 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and via WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number (800) 988–0224, passcode 8126582, on both days, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/;* the meeting number on June 5 is 991 811 667 and the password is ScPG2AD@ (case sensitive); the meeting number on June 6 is 996 106 728 and the password is kxzVa3t$ (case sensitive).

The agenda for the meeting includes the following topics:

- Program and Budget Updates.
- Earth Decadal Survey.
- Applied Sciences Communications.
- Private Sector and Applications.

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizens and Permanent Residents (green card holders) may provide full name and citizenship status no less than 3 working days in advance by contacting Ms. KarShelia Henderson via email at *khenderson@nasa.gov* or by fax at (202) 358–2779.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–09183 Filed 4–30–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–035)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting; correction.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

Reference: **Federal Register**/Vol. 83, No. 80/Wednesday, April 25, 2018/Notices. This is a corrected version of [Notice (18–034)] that appeared on April 25, 2018, pages 18087–18088.

DATES: Thursday, May 17, 2018, 10:30 a.m. to 11:45 a.m., Local Time.

ADDRESSES: NASA Kennedy Space Center, Headquarters Building, Room 3201, Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: Ms. Evette Whatley, Administrative Officer, Aerospace Safety Advisory Panel, NASA Headquarters, Washington, DC 20546, (202) 358–4733 or *evette.whatley@nasa.gov*.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Second Quarterly Meeting for 2018. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Exploration Systems Development

—Updates on the Commercial Crew Program

—Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number (888) 390–5183; pass code 8820288 and then the # sign. Attendees will be required to sign a visitor's register and to comply with NASA KSC security requirements, including the presentation of a valid picture ID and a secondary form of ID, before receiving an access badge. All U.S. citizens desiring to attend the ASAP 2018 Second Quarterly Meeting at the Kennedy Space Center must provide their full name, date of birth, place of birth, social security number, company affiliation and full address (if applicable), residential address, telephone number, driver's license number, email address, country of citizenship, and naturalization number (if applicable) to the Kennedy Space Center Protective Services Office no later than close of business on May 7, 2018. All non-U.S. citizens must submit their name; current address; driver's license number and state (if applicable); citizenship; company affiliation (if applicable) to include address, telephone number, and title; place of birth; date of birth; U.S. visa information to include type, number, and expiration date; U.S. social security number (if applicable); Permanent Resident (green card) number and expiration date (if applicable); place and date of entry into the U.S.; and passport information to include country of issue, number, and expiration date to the Kennedy Space Center Protective Services Office no later than close of business on May 1, 2018. If the above information is not received by the noted dates, attendees should expect a minimum delay of two (2) hours. All visitors to this meeting will be required to process in through the KSC Badging Office, Building M6–0224, located just outside of KSC Gate 3, on SR 405, Kennedy Space Center, Florida. Please provide the appropriate data required above by email to Tina Delahunty at *tina.delahunty@nasa.gov* or fax 321–867–7206, noting at the top of the page ''Public Admission to the NASA Aerospace Safety Advisory Panel Meeting at KSC.'' For security questions, please email Tina Delahunty at *tina.delahunty@nasa.gov*.

At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Evette Whatley at *evette.whatley@nasa.gov* or at (202) 358–4733 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–09118 Filed 4–30–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 18–037]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Lori Parker, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lori Parker, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, (202) 358–1351.

SUPPLEMENTARY INFORMATION:

I. Abstract

Federal agencies are required by statute not to engage in discrimination on the bases of race, color, religion, sex, national origin, age, disability, genetic information, or retaliation. A federal employee, former employee, or job applicant who believes s/he was discriminated against has a right to file a complaint with the agency's office responsible for its Equal Employment Opportunity (EEO) programs. Federal agencies must offer pre-complaint counseling or EEO alternative dispute resolution (EEO ADR) to individuals who allege that they were discriminated against by the agency. If pre-complaint counseling or EEO ADR does not resolve the dispute(s), the individual can file a formal discrimination complaint with the agency's EEO office.

II. Methods of Collection

Title 29 of the Code of Federal Regulations (CFR) Part 1614 Section 104 requires agencies to establish procedures for processing individual and class complaints of discrimination that include the provisions contained in 29 CFR 1614.105 through 1614.110 and in § 1614.204, which are consistent with all other applicable Federal EEO regulations and complaint processing requirements contained in the Equal Employment Opportunity Commission (EEOC) Management Directives (MD).

When an individual decides to pursue the formal discrimination complaint process, EEOC MD 110 requires that the formal complaint must be:

- In writing;
- Specific with regard to the claim(s) that the individual raised in pre-complaint counseling and that the person wishes to pursue;
- Must be signed by the individual and/or his or her representative; and
- Must be filed within fifteen (15) calendar days from the date s/he receives the Notice of Right to File a Discrimination Complaint.

Consequently, NASA established NF–1355P form to ensure the individual who wishes to utilize the EEO process complies with the requirements listed above.

III. Data

Title: Formal Discrimination Complaint Form.

OMB Number: 2700–0163.

Type of Review: Extension of Existing Form.

Affected Public: Individuals who wish to file a formal discrimination complaint against NASA.

Estimated Number of Respondents: 60.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Public Burden Hours: 30 hours.

Estimated Total Annual Government Cost: $500.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance

of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2018–09170 Filed 4–30–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

30-Day Notice for the ''NEA Panelist Profile Data''; Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts, National Foundation of the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection for the NEA Panelist Profile Data. Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov*.

DATES: Comments should be sent to the 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, 202/395–7316, within 30 days from the date of this publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Agency: National Endowment for the Arts.

Title: NEA Panelist Profile Data Collection.

OMB Number: 3135–0098.

Frequency: Annually.

Affected Public: Individuals.

Estimated Number of Respondents: 600.

Total Burden Hours: 100 hours.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): 0.

Description

The National Endowment for the Arts' (NEA) mission is ''to strengthen the creative capacity of our communities by providing all Americans with diverse opportunities for arts participation.'' With the advice of the National Council on the Arts and advisory panels, the Chairman establishes eligibility requirements and criteria for the review of applications for funding. Section 959(c) of the NEA's enabling legislation, as amended, directs the Chairman to utilize advisory panels to review applications and to make recommendations to the National Council on the Arts, which in turn makes recommendations to the Chairman.

The legislation requires the Chairman ''(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as to (2) ensure that all panels include representation of lay individuals who are knowledgeable about the arts . . .'' These panels are considered to be committees under the Federal Advisory Committee Act (FACA), which also requires that committees be balanced geographically and ethnically. In addition, the membership of each panel must change substantially from year to year and each individual is ineligible to serve on a panel for more than three consecutive years. To assist with efforts to meet these legislated mandates regarding representation on advisory panels, the NEA has established a database of names, addresses, areas of expertise and other basic information on individuals who are qualified to serve as panelists for the NEA.

The Panelist Profile Data Collection, for which clearance is requested, is used to gather basic information from qualified individuals recommended by the arts community; arts organizations; Members of Congress; the general public; local, state and regional arts organizations; NEA staff, and others.

Dated: April 26, 2018.

Jillian LeHew Miller,

Director, Office of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2018–09130 Filed 4–30–18; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance for this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than three years.

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 of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; 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.

DATES: Written comments should be received by July 2, 2018, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Room W18253, Alexandria, VA 22314, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: DUE Project Data Form.

OMB Control No.: 3145–0201.

Expiration Date of Approval: September 30, 2018.

Abstract: The Division of Undergraduate Education (DUE) Project Data Form is a component of all grant proposals submitted to NSF's Division of Undergraduate Education. This form collects information needed to direct proposals to appropriate reviewers and to report the estimated collective impact of proposed projects on institutions, students, and faculty members. Requested information includes the discipline of the proposed project, collaborating organizations involved in the project, the academic level on which the project focuses (*e.g.,* lower-level undergraduate courses, upper-level undergraduate courses), characteristics of the organization submitting the proposal, special audiences (if any) that the project would target (*e.g.,* women, under-represented minorities, persons with disabilities), strategic foci (if any) of the project (*e.g.,* research on teaching and learning, international activities, integration of research and education), and the number of students and faculty at different educational levels who would benefit from the project.

Respondents: Investigators who submit proposals to NSF's Division of Undergraduate Education.

Estimated Number of Annual Respondents: 2,300.

Burden on the Public: 20 minutes (per response) for an annual total of 767 hours.

Dated: April 26, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–09137 Filed 4–30–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7003; NRC–2018–0079]

Centrus Energy Corp.; Proposed Decommissioning Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from Centrus Energy Corp. (Centrus) to amend Material License Number SNM–7003 to authorize decommissioning of its American Centrifuge Lead Cascade Facility (LCF) located in Piketon, Ohio. The NRC has accepted the application for technical review and evaluation of the decommissioning plan. As all materials and equipment at the LCF were previously removed and dispositioned offsite under the authority of Centrus' existing license, the NRC's review of the decommissioning plan is limited to (1) decommissioning funding, (2) dose assessment and derived concentration guideline levels and methodology, and (3) final status survey design in accordance with the Multi-Agency Radiation Survey and Site Investigation Manual. In order to inform its review of these remaining issues, the NRC is soliciting comments from affected parties.

DATES: Submit comments by July 2, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

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

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0079. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: 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:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0079 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0079.
- *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.

B. Submitting Comments

Please include Docket ID NRC–2018–0079 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission.

The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

By letter dated February 21, 2018 (ADAMS Accession No. ML18030A442), the NRC accepted for detailed technical review Centrus' application dated January 5, 2018 (ADAMS Accession No. ML18025B285), and a subsequent clarification dated February 14, 2018 (ADAMS Accession No. ML18046A081), to amend Material License No. SNM–7003 to authorize decommissioning of its LCF located in Piketon, Ohio.

In the early 1980s, the U.S. Department of Energy (DOE) initiated its construction of the Gas Centrifuge Enrichment Plant (GCEP) at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio. After installing and operating several hundred centrifuges, the DOE terminated the GCEP project in 1985. Approximately 15 years later, USEC, Inc. decided to use and expand the existing GCEP facilities for deploying its own commercial centrifuge plant. In 2004, USEC, Inc. signed a lease agreement with DOE to use certain GCEP facilities for testing and eventual commercial production as part of its overall gas centrifuge uranium enrichment project.

The NRC issued Material License No. SNM–7003 for the LCF to USEC, Inc. on February 24, 2004 (ADAMS Accession No. ML062630432). At that time, USEC, Inc., under contract with DOE, dismantled and packaged for transport for offsite disposition DOE's contaminated and non-contaminated GCEP classified waste, comprising of centrifuges and equipment. After licensing by the NRC, USEC, Inc. began to install its own centrifuges in a portion of one of the two existing GCEP process buildings and began operating the LCF as a test facility in August of 2006. The LCF's purpose was to obtain ''reliability, performance, cost, and other data'' for use in the decision whether to construct and operate a commercial uranium enrichment plant, commonly referred to as the American Centrifuge Plant. To govern any future operation of the ACP, the NRC issued Material License No. SNM–2011 on April 13, 2007 (ADAMS Accession No. ML070400284). To date, no significant construction activities have occurred at the ACP. These NRC licenses were subsequently transferred from USEC, Inc. to Centrus. The LCF lies completely within the ACP site, occupying about ten percent of the space reserved for the ACP. The ACP site, in turn, lies completely within DOE's controlled access area, where an adjoining uranium enrichment facility using a gaseous diffusion process previously operated for several decades. Currently, DOE is decommissioning this facility.

On March 2, 2016 (ADAMS Accession No. ML16074A405), Centrus notified the NRC, in accordance with paragraph 70.38(d)(2) of title 10 of the *Code of Federal Regulations* (10 CFR), of its decision to permanently cease operation of the LCF and to terminate Material License No. SNM–7003 following decontamination and decommissioning activities.

On May 17, 2016, Centrus submitted a license amendment request to the NRC to downgrade licensed activities at the LCF to ''limited operations'' and to remove enrichment capability from the license (ADAMS Package Accession No. ML16162A194). The NRC approved the amendment on December 23, 2016 (ADAMS Accession No. ML16330A248).

Since notifying the NRC of its intent to decommission the LCF under the authority of its existing Material License No. SNM–7003, Centrus removed the process gas in the form of UF6 and packaged all LCF classified equipment, including all LCF centrifuges and piping, and shipped the packages offsite for appropriate disposition. The NRC has verified that all classified matter has been shipped offsite for appropriate disposition, and the NRC has withdrawn Centrus' authorization to possess classified information or material/equipment at the LCF and ACP in Piketon, Ohio. Except for the NRC's confirmation of the results of Centrus' final status survey, all physical decommissioning activities for the LCF have been completed.

This present action requires the NRC to evaluate and consider Centrus' decommissioning plan for approval and to consider the approval of a corresponding license amendment. This review will be limited in scope to those portions of the decommissioning plan not previously completed under the authority of the license. Before completing the proposed action, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a safety evaluation report and an environmental assessment.

III. Opportunity To Provide Comments

In accordance with section 20.1405 of 10 CFR, the NRC is providing notice to individuals in the vicinity of the site that the NRC is in receipt of a decommissioning plan and will accept comments from affected parties concerning this decommissioning proposal. The NRC requests comments on the portions of the LCF's decommissioning plan under review by the NRC, which are limited to: (1) Decommissioning funding, (2) dose assessment and derived concentration guideline levels and methodology, and (3) final status survey design in accordance with the Multi-Agency Radiation Survey and Site Investigation Manual.

Dated at Rockville, Maryland, this 25th day of April 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. 2018–09084 Filed 4–30–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATES: Weeks of April 30, May 7, 14, 21, 28, June 4, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 30, 2018

There are no meetings scheduled for the week of April 30, 2018.

Week of May 7, 2018—Tentative

Thursday, May 10, 2018

10:00 a.m. Briefing on Security Issues (Closed Ex. 1).

2:00 p.m. Briefing on Security Issues (Closed Ex. 1).

Week of May 14, 2018—Tentative

There are no meetings scheduled for the week of May 14, 2018.

Week of May 21, 2018—Tentative

There are no meetings scheduled for the week of May 21, 2018.

Week of May 28, 2018—Tentative

There are no meetings scheduled for the week of May 28, 2018.

Week of June 4, 2018—Tentative

Wednesday, June 6, 2018

2:00 p.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting); (Contact: Tanya Parwani-Jaimes: 301–287–0730).

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov*.

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html*.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov*.

Dated: April 27, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–09330 Filed 4–27–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Meeting

June 13, 2018—*The U.S. Nuclear Waste Technical Review Board will meet in Idaho Falls, Idaho, to discuss technical issues that need to be addressed in preparing for the eventual transport of spent nuclear fuel and high-level radioactive waste.*

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the U.S. Nuclear Waste Technical Review Board will hold a public meeting in Idaho Falls, Idaho, on Wednesday, June 13, 2018, to review technical issues that need to be addressed before the Department of Energy (DOE) begins a nationwide effort to transport spent nuclear fuel (SNF) or high-level radioactive waste (HLW).

Currently, commercial SNF is stored at nuclear power stations across the country, and HLW and DOE SNF are stored at four federal facilities. The Nuclear Waste Policy Act, as amended, calls for this waste to be moved eventually to a permanent geologic repository for disposal. Proposals for temporary interim storage of some of the SNF also have been discussed. Before the waste is moved from where it is now to another location, it will be necessary for DOE to complete the development of an integrated waste management program to support transporting the waste. At its meeting, the Board will consider technical issues that need to be addressed in preparing for such a transportation effort.

The Board meeting will be held at the Hilton Garden Inn, 700 Lindsay Boulevard, Idaho Falls, Idaho 83402. The hotel telephone number is 208–522–9500, and the fax number is 208–522–9501.

The meeting will begin at 8:00 a.m. on Wednesday, June 13, 2018, and is scheduled to adjourn at 6:00 p.m. The Board will receive presentations from representatives of DOE who are developing the waste management system and the system analysis tools that will help with decision-making processes. The Board will also hear from commercial nuclear industry representatives, including a utility in Switzerland, about the experience of the commercial industry in preparing for SNF and HLW transportation. Other speakers will provide observations from experience with the former Office of Civilian Radioactive Waste Management and discuss the perspectives of the Nuclear Regulatory Commission and stakeholder groups. A detailed meeting agenda will be available on the Board's website at *www.nwtrb.gov* approximately one week before the meeting.

The meeting will be open to the public, and opportunities for public comment will be provided before the lunch break and again at the end of the meeting. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. Depending on the number of people who sign up to speak, it may be necessary to set a time limit on individual remarks. However, written comments of any length may be submitted, and all comments received in writing will be included in the record of the meeting, which will be posted on the Board's website after the meeting. The meeting will be webcast, and the link to the webcast will be available on the Board's website (*www.nwtrb.gov*) a few days before the meeting. An archived version of the webcast will be available on the Board's website following the meeting. The transcript of the meeting will be available on the Board's website no later than August 14, 2018.

The Board was established in the Nuclear Waste Policy Amendments Act of 1987 as an independent federal agency in the Executive Branch to evaluate the technical and scientific validity of DOE activities related to the management and disposal of SNF and HLW and to provide objective expert advice to Congress and the Secretary of Energy on these issues. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. All Board reports, correspondence, congressional testimony, and meeting transcripts and related materials are posted on the Board's website.

For information on the meeting agenda, contact Daniel Ogg: *ogg@nwtrb.gov* or Karyn Severson: *severson@nwtrb.gov*. For information on logistics, or to request copies of the meeting agenda or transcript, contact Davonya Barnes: *barnes@nwtrb.gov*. All three may be reached by mail at 2300 Clarendon Boulevard, Suite 1300, Arlington, VA 22201–3367; by telephone at 703–235–4473; or by fax at 703–235–4495.

Dated: April 26, 2018.

Nigel Mote,

Executive Director, U.S. Nuclear Waste Technical Review Board.

[FR Doc. 2018–09160 Filed 4–30–18; 8:45 am]

BILLING CODE P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–210]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 3, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–210; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* April 25, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Christopher C. Mohr; *Comments Due:* May 3, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–09125 Filed 4–30–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83103; File No. SR–BOX–2018–12]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Rule 6090(a)(4)(ii) To Note the Expiration Date of the Pilot Program for the Listing and Trading of Options Settling to the RealVol SPY Index (''Index'')

April 25, 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 April 23, 2018, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to update Rule 6090(a)(4)(ii) to note the expiration date of the pilot program for the listing and trading of options settling to the RealVol™ SPY Index (''Index''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to notify market participants of the May 6, 2018 expiration date of the pilot period for the listing and trading of options settling to the RealVol™ SPY Index (''Index''). This filing does not propose any substantive changes to the listing and trading of options settling to the RealVol™ SPY (''the RealVol™ SPY Pilot Program'' or ''Pilot Program''). The Exchange has not yet begun to list or trade options settling to the RealVol™ SPY Index; should the Exchange choose to re-instate the Pilot Program then it will submit a new proposed rule change with the Commission at a later date.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[3] in general, and Section 6(b)(5) of the Act,[4] in particular, in that it is designed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change provides clarity for market participants regarding the expiration date of the Pilot Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed change will alert market participants of the expiration of the Pilot Program. The proposed change also allows the Exchange to submit a new proposed rule change with the Commission to re-instate the Pilot Program for the listing and trading of options settling to the RealVol™ SPY Index at a later date. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[5] and Rule 19b–4(f)(6) thereunder.[6]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2018–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2018–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2018–12, and should be submitted on or before May 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09113 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83105; File No. SR–ISE–2018–36]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Market Maker Plus Program Under the Schedule of Fees

April 25, 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 April 11, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Market Maker Plus program under the Schedule of Fees.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange operates a Market Maker Plus program for regular orders in Select Symbols [3] whereby Market Makers [4] that contribute to market quality by maintaining tight markets are eligible for enhanced rebates. The purpose of the proposed rule change is to amend the linked maker rebate for SPY and QQQ, and adopt a similar rebate structure for IWM, as described in more detail below. The Exchange believes that the proposed changes will encourage Market Makers to make quality markets in certain actively traded symbols, and thereby further the goals of the Market Maker Plus program.

Market Makers are evaluated each trading day for the percentage of time spent on the National Best Bid or National Best Offer (''NBBO'') for qualifying series that expire in two successive thirty calendar day periods beginning on that trading day. A Market Maker Plus is a Market Maker who is on the NBBO a specified percentage of the time on average for the month based on daily performance in the qualifying series for each of the two successive periods described above. Qualifying series are series trading between $0.03 and $3.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $3.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium. If a Market Maker would qualify for a different Market Maker Plus tier in each of the two successive periods described above, then the lower of the two Market Maker Plus tier rebates shall apply to all contracts.[5] These general qualification requirements will remain unchanged with the amendments to the applicable Market Maker Plus rebates described in this proposed rule change.

Market Maker orders in Select Symbols are charged a maker fee of $0.10 per contract; [6] provided that Market Makers that qualify for Market Maker Plus will not pay this fee if they meet the applicable tier thresholds set forth in the table below, and will instead receive the maker rebates described in the table based on the applicable tier for which they qualify.[7]

SELECT SYMBOLS OTHER THAN SPY AND QQQ

Market maker plus tier (specified percentage)	Maker rebate
Tier 1 (80% to less than 85%)	($0.15)
Tier 2 (85% to less than 95%)	($0.18)
Tier 3 (95% or greater)	($0.22)

SPY AND QQQ

Market maker plus tier (specified percentage)	Regular maker rebate	Linked maker rebate
Tier 1 (70% to less than 80%)	($0.00)	N/A
Tier 2 (80% to less than 85%)	($0.18)	($0.16)
Tier 3 (85% to less than 90%)	($0.22)	($0.20)
Tier 4 (90% or greater)	($0.26)	($0.24)

To encourage Market Makers to maintain quality markets in SPY and QQQ in particular, members that maintain tight markets in those symbols are eligible for higher regular maker rebates and may also be eligible for linked maker rebates, as shown in the table above. Specifically, Market Makers that qualify for Market Maker Plus Tiers 2–4 for executions in SPY or QQQ may be eligible for a linked maker rebate in addition to the regular maker rebate for the applicable tier. The linked maker rebate applies to executions in SPY or QQQ if the Market Maker does not achieve the applicable tier in that symbol but achieves the tier (*i.e.,* any of Market Maker Plus Tiers 2–4) for any badge/suffix combination in the other symbol, in which case the higher tier achieved applies to both symbols. The regular maker rebate will be provided in the symbol that qualifies the Market Maker for the higher tier based on percentage of time at the NBBO.

The Exchange now proposes two changes to the above rebates. First, the Exchange proposes to amend the linked maker rebate for SPY and QQQ. Specifically, the Exchange proposes to reduce each of the linked maker rebates for SPY and QQQ by one cent per contract such that the applicable maker rebate is: (1) $0.15 per contract for Tier 2, (2) $0.19 per contract for Tier 3, and (3) $0.23 per contract for Tier 4.

Second, the Exchange proposes adopt this rebate structure for IWM by providing a higher maker rebate in this symbol along with the ability to earn linked maker rebates. With the proposed changes, Market Makers that meet the requirements of the Market Maker Plus program will receive an enhanced rebate in IWM that is equivalent to the rebate provided in SPY and QQQ today—*i.e.,* (1) $0.00 per contract (*i.e.,* no fee or rebate) for Tier 1, (2) $0.18 per contract for Tier 2, (3) $0.22 per contract for Tier 3, and (3) $0.26 per contract for Tier 4.

In addition, the Exchange proposes to adopt the same linked maker structure for SPY and IWM as is currently in place for SPY and QQQ. As such, the

[3] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Pilot Program.

[4] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(28).

[5] Market Makers may enter quotes in a symbol using one or more unique, exchange assigned identifiers—*i.e.,* badge/suffix combinations. Market Maker Plus status is calculated independently based on quotes entered in a symbol for each of the Market Maker's badge/suffix combinations, and the highest tier achieved for any badge/suffix combination quoting that symbol applies to executions across all badge/suffix combinations that the member uses to trade in that symbol.

A Market Maker's worst quoting day each month for each of the two successive periods described above, on a per symbol basis, will be excluded in calculating whether a Market Maker qualifies for this rebate.

Other than days where the Exchange closes early for holiday observance, any day that the market is not open for the entire trading day or the Exchange instructs members in writing to route their orders to other markets may be excluded from the Market Maker Plus tier calculation; provided that the Exchange will only remove the day for members that would have a lower time at the NBBO for the specified series with the day included.

[6] This fee also applies to Market Maker orders sent to the Exchange by Electronic Access Members.

[7] A $0.10 per contract fee applies instead of the applicable Market Maker Plus rebate when trading against Priority Customer complex orders that leg into the regular order book. There will be no fee charged or rebate provided when trading against non-Priority Customer complex orders that leg into the regular order book.

Schedule of Fees would provide that the following symbols are linked for purposes of the linked maker rebate: (1) SPY and QQQ (*i.e.,* as is the case today), and (2) SPY and IWM (*i.e.,* the proposed linked maker rebates for SPY and IWM). Linked maker rebates for SPY and IWM would be the same as those provided for SPY and QQQ—*i.e.,* no linked maker rebate for Tier 1, and a linked maker rebate of $0.15 per contract for Tier 2, $0.19 per contract for Tier 3, and $0.23 per contract for Tier 4—and would be paid based on the same qualification criteria described above for SPY and QQQ.

Because SPY would be separately linked to both QQQ and IWM, the Schedule of Fees would also provide that if a Market Maker would qualify for a linked maker rebate in SPY based on the tier achieved in QQQ and the tier achieved in IWM then the higher of the two linked maker rebates will be applied to SPY. Thus, for example, if a Market Maker achieves Tier 1 in SPY, Tier 2 in QQQ, and Tier 3 in IWM, the Market Maker would receive the Tier 2 regular maker rebate of $0.18 per contract in QQQ, the Tier 3 regular maker rebate of $0.22 per contract in IWM, and the Tier 3 linked maker rebate of $0.19 per contract in SPY—*i.e.,* based on achieving Tier 3 in IWM.

Furthermore, the Exchange proposes to amend other language concerning the Market Maker Plus Program to reinforce the enhanced rebate structure for SPY, QQQ, and IWM. This includes changing the associated table headings to reference (1) Select Symbols other than SPY, QQQ, and IWM, and (2) SPY, QQQ, and IWM. It also includes referencing IWM in the footnote that describes the linked maker rebates, and adding language that references linked symbols—*i.e.,* SPY/QQQ and SPY/IWM.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed changes to the Market Maker Plus program in SPY and QQQ are reasonable and equitable as the proposed linked maker rebate is only slightly lower than the current linked maker rebate, and is set at a level that the Exchange believes will continue to encourage Market Makers to make tight markets in these symbols. Furthermore, the Exchange believes that the effect of lower rebate is more than offset by the ability to achieve higher rebates based on the proposed structure for IWM, which would provide for the first time an enhanced rebate for Market Makers that achieve Market Maker Plus in IWM, as well as an additional avenue for Market Makers to benefit from a linked maker rebate for SPY and IWM.

In addition, the Exchange believes that the proposed changes to the Market Maker Plus program for IWM are reasonable and equitable as these changes would increase rebates for Market Makers that qualify for Market Maker Plus in IWM, including linked maker rebates that will now be provided between SPY and IWM in addition to SPY and QQQ. The Exchange has selected IWM to benefit from increased rebates—including increased linked maker rebates that are tied to SPY—as IWM is among the most actively traded symbols traded on ISE, similar to SPY and QQQ, which benefit from a similar treatment today. Because SPY is the most single most actively traded product on the Exchange overall, it will be linked to both QQQ and IWM, which the Exchange believes will serve as an important incentive for Market Makers that support the Exchange by making quality markets. The rule also provides that in the event a Market Maker is eligible for linked maker rebates in SPY based on the tier achieved in QQQ and the tier achieved in IWM then the higher of the two linked maker rebates will be applied to SPY, thereby ensuring that the Market Maker will always benefit from the higher incentive.

The Market Maker Plus program is designed to attract liquidity from Market Makers and provide incentives for those Market Makers to maintain tight markets, measured by time spent quoting at the NBBO. The Exchange believes the proposed rule change will further encourage Market Makers to maintain quality markets in the most actively traded symbols on ISE, to the benefit of all market participants that trade on the Exchange. Specifically, the proposed changes may encourage better market quality in IWM as Market Makers are incentivized by higher rebates and the ability to earn linked maker rebates in SPY. Similarly, the Exchange believes that the proposed changes may encourage better market quality in SPY as Market Makers would be able to earn linked maker rebates in IWM in addition to the other rebates that they may qualify for today. Furthermore, the proposed rebates and rebate structure for IWM would be identical to that in place for SPY and QQQ, which the Exchange believes has successfully encouraged Market Makers to make quality markets on ISE. The Exchange therefore believes that expanding this program has the potential to further benefit market quality on ISE, creating a more active and liquid market for options traded on the Exchange.

The Exchange also believes that the proposed changes are not unfairly discriminatory as all Market Makers can qualify for Market Maker Plus by meeting program requirements that are designed to incentivize Market Markets to maintain quality markets. With the proposed changes, SPY, QQQ, and IWM will each be subject to enhanced rebates that are designed to incentivize Market Makers to make quality markets in these highly active symbols. Market Makers that show commitment to market quality by maintaining quotes that qualify them for a higher tier in these symbols will earn higher rebates, including the possibility to earn linked maker rebates. Furthermore, the Exchange continues to believe that it is not unfairly discriminatory to offer these rebates only to Market Makers as Market Makers, and, in particular, those Market Makers that achieve Market Maker Plus status, are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to the Market Maker Plus program are designed to increase competition by encouraging Market Makers to provide liquidity and maintain tight markets in some of the most actively traded symbols on the Exchange. The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

changes in this market may impose any burden on competition is extremely limited.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[10] and Rule 19b–4(f)(2) [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2018–36 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–ISE–2018–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–36 and should be submitted on or before May 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09115 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, May 3, 2018.

PLACE: Closed Commission Hearing Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Peirce, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: April 26, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–09256 Filed 4–27–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83102; File No. SR-CboeBZX–2018–019]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade on the Exchange Shares of Eighteen ADRPLUS Funds of the Precidian ETFs Trust Under Rule 14.11(i), Managed Fund Shares

April 25, 2018.

On March 5, 2018, Cboe BZX Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade on the Exchange, under Exchange Rule 14.11(i), ''Managed Fund Shares,'' shares of eighteen ADRPLUS Funds of the Precidian ETFs Trust. The proposed rule change was published for comment in the **Federal Register** on March 21, 2018.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82881 (March 15, 2018), 83 FR 12449.

[4] 15 U.S.C. 78s(b)(2).

change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 5, 2018. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 19, 2018, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR-CboeBZX–2018–019).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09112 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–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:

Rules 17Ad–6 and 17Ad–7, SEC File No. 270–151, OMB Control No. 3235–0291

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ad–6 (17 CFR 240.17Ad–6) and Rule 17Ad–7 (17 CFR 240.17Ad–7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17Ad–6 requires every registered transfer agent to make and keep current records about a variety of information, such as: (1) Specific operational data regarding the time taken to perform transfer agent activities (to ensure compliance with the minimum performance standards in Rule 17Ad–2 (17 CFR 240.17Ad–2)); (2) written inquiries and requests by shareholders and broker-dealers and response time thereto; (3) resolutions, contracts, or other supporting documents concerning the appointment or termination of the transfer agent; (4) stop orders or notices of adverse claims to the securities; and (5) all canceled registered securities certificates.

Rule 17Ad–7 requires each registered transfer agent to retain the records specified in Rule 17Ad–6 in an easily accessible place for a period of six months to six years, depending on the type of record or document. Rule 17Ad–7 also specifies the manner in which records may be maintained using electronic, microfilm, and microfiche storage methods.

These recordkeeping requirements are designed to ensure that all registered transfer agents are maintaining the records necessary for them to monitor and keep control over their own performance and for the Commission to adequately examine registered transfer agents on an historical basis for compliance with applicable rules.

The Commission estimates that approximately 382 registered transfer agents will spend a total of 191,000 hours per year complying with Rules 17Ad–6 and 17Ad–7 (500 hours per year per transfer agent).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; 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.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

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: April 24, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09094 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83100; File No. SR–NYSENAT–2018–02]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Support the Re-Launch of NYSE National, Inc. on the Pillar Trading Platform

April 25, 2018.

On February 21, 2018, NYSE National, Inc. (the ''Exchange'' or ''NYSE National'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change, in connection with the re-launch of the Exchange on the Pillar trading platform. The Exchange proposes: (1) Amendments to Article V, Sections 5.01 and 5.8 of the Fourth Amended and Restated Bylaws of NYSE National (''Bylaws''); (2) new rules based on the rules of the Exchange's affiliates relating to (a) trading securities on an unlisted trading privileges basis (Rules 5 and 8), (b) trading on the Pillar trading platform (Rules 1 and 7), (c) disciplinary rules (Rule 10), and (d) administration of the Exchange (Rules 3, 12, and 13); (3) rule changes that renumber current Exchange rules relating to (a) membership (Rule 2), (b) order audit trail requirements (Rule 6), and (c) business conduct, books and records, supervision, extensions of credit, and trading practices (Rule 11); and (4) deletion of Chapters I—XVI and the rules contained therein. The proposed rule change was published for comment in the **Federal Register** on March 13,

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2018.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is April 27, 2018. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 11, 2018 as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSENAT–2018–02).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09110 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83104; File No. SR–ISE–2018–37]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Regular Order Fees and Rebates

April 25, 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 April 11, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE's Schedule of Fees at Section I, entitled ''Regular Order Fees and Rebates.''

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the ISE Schedule of Fees at Section I, entitled ''Regular Order Fees and Rebates.'' This proposed rule change is intended to make changes to: (i) Increase Taker Fees for Market Makers,[3] Non-Nasdaq ISE Market Makers[4] (FarMM) and Professional Customers; [5] (ii) increase Fees for Responses to ISE's Price Improvement Mechanism[6] (''PIM'') Orders for Market Makers, Non-Nasdaq ISE Market Makers (FarMM), Firm Proprietary[7]/Broker Dealers,[8] Professional Customers, and Priority Customers; [9] and (iii) increase the amount assessed to a Member, other than for a Priority Customer, that executes an average daily volume (''ADV'') of 12,500 or more contracts in the PIM.

Taker Fees

The Exchange proposes to increase Regular Order Taker Fees for Market Makers, Non-Nasdaq ISE Market Makers (FarMM) and Professional Customers. Today, a Market Maker is assessed a $0.44 per contract Taker Fee for Regular Orders. The Exchange proposes to increase the Market Maker Taker Fee to $0.45 per contract. Today, Non-Nasdaq ISE Market Makers (FarMM) and Professional Customer are assessed a $0.45 per contract Taker Fees for Regular Orders. The Exchange proposes to increase the Non-Nasdaq ISE Market Makers (FarMM) and Professional Customer Taker Fees to $0.46 per contract. The Exchange will continue to assess a Firm Proprietary/Broker Dealer a Taker Fee of $0.46 per contract and assess a Priority Customer a $0.44 per contract Taker Fee.

Fees for Reponses to PIM Orders

The Exchange proposes to increase Fees for Reponses to PIM Orders for all market participants. Today, a Market Maker, Non-Nasdaq ISE Market Maker (FarMM), Firm Proprietary/Broker Dealer, Professional Customer, and Priority Customer are assessed a Regular Order Fee for Responses to PIM Orders of $0.20 per contact. The Exchange proposes to assess all market participants a Regular Order Fee for Responses to PIM Orders of $0.25 per contact.

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[3] *See* Securities Exchange Act Release No. 82819 (March 7, 2018), 83 FR 11098 (March 13, 2018).

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Market makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(28).

[4] A ''Non-Nasdaq ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange. *See* Preface to ISE Schedule of Fees.

[5] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer. *See* Preface to ISE Schedule of Fees.

[6] The Price Improvement Mechanism is a process by which an Electronic Access Member can provide price improvement opportunities for a transaction wherein the Electronic Access Member seeks to facilitate an order it represents as agent, and/or a transaction wherein the Electronic Access Member solicited interest to execute against an order it represents as agent (a ''Crossing Transaction''). *See* ISE Rule 723.

[7] A ''Firm Proprietary'' order is an order submitted by a Member for its own proprietary account. *See* Preface to ISE Schedule of Fees.

[8] ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account. *See* Preface to ISE Schedule of Fees.

[9] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Rule 100(a)(37A). Unless otherwise noted, when used in the Schedule of Fees the term ''Priority Customer'' includes ''Retail'' as defined in the Schedule of Fees. *See* Preface to ISE Schedule of Fees.

Fees for PIM Orders

The Exchange proposes to increase the amount assessed to a Member, other than for a Priority Customer, that executes an ADV of 12,500 or more contracts in the PIM. Today, other than a Priority Customer order, the Exchange assesses non-Priority Customer market participants a fee of $0.05 per contract for orders executed by Members that execute an ADV of 7,500 or more contracts in the PIM in a given month. Today, Members that execute an ADV of 12,500 or more contracts in the PIM will not be assessed a fee. The Exchange proposes to amend the amount assessed to a Member that executed an ADV of 12,500 or more contracts in the PIM a fee of $0.02 per contract. This $0.02 per contract fee represents an increase as the Member that executed an ADV of 12,500 or more contracts in the PIM is not charged a fee today.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Taker Fees

The Exchange's proposal to increase Regular Order Taker Fees for Market Makers from $0.44 to $0.45 per contract and increase Taker Fees for Non-Nasdaq ISE Market Makers (FarMM) and Professional Customers from $0.45 to $0.46 per contract is reasonable because despite the increase to these Regular Order Taker Fees the fees remain competitive.

The Exchange's proposal to increase Regular Order Taker Fees for Market Makers from $0.44 to $0.45 per contract and increase Taker Fees for Non-Nasdaq ISE Market Makers (FarMM) and Professional Customers from $0.45 to $0.46 per contract is equitable and not unfairly discriminatory because all market participants will be assessed a similar Taker Fee, except that Market Makers and Priority Customers will continue to be assessed a lower fee. The Exchange believes that assessing a lower Taker Fee for Priority Customers is reasonable because Priority Customer order flow enhances liquidity on the Exchange for the benefit of all market participants and benefits all market participants by providing more trading opportunities, which attracts Market Makers. Further, assessing a lower Taker Fee for Market Makers is reasonable because Market Makers add value through quoting obligations [12] and the commitment of capital. Encouraging Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

Fees for Reponses to PIM Orders

The Exchange's proposal to increase Regular Order Fees for Reponses to PIM Orders for all market participants from $0.20 to $0.25 per contract is reasonable because despite the increase to these Regular Order Taker Fees the fees remain competitive and all market participants, other than Priority Customers, have an opportunity to decrease there PIM Fees by executing a greater amount of order flow.

The Exchange's proposal to increase Regular Fees for Reponses to PIM Orders for all market participants from $0.20 to $0.25 per contract is equitable and not unfairly discriminatory because the Exchange is assessing all market participants the same Fee for Reponses to PIM Orders.

Fees for PIM Orders

The Exchange's proposal to increase the amount assessed to a Member, other than for a Priority Customer, that executes an ADV of 12,500 or more contracts in the PIM from $0.00 to $0.02 per contract is reasonable because despite the increase to PIM Order fees, the Exchange continues to offer market participants, other than Priority Customers, the ability to reduce fees by executing a certain amount of eligible contracts, in this case ADV of 12,500 or more contracts.

The Exchange's proposal to increase the amount assessed to a Member, other than for a Priority Customer, that executes an ADV of 12,500 or more contracts in the PIM from $0.00 to $0.02 per contract is equitable and not unfairly discriminatory because today all market participants, except Priority Customers, are assessed a $0.10 per contract fee for executing PIM orders. Priority Customers are not assessed a Fee for PIM Orders. Non-Priority Customer market participants have the opportunity today to decrease their PIM Orders Fee from $0.10 to $0.05 per contract provided a Member executes an ADV of 7,500 or more contracts in the PIM in a given month. With this proposal, all non-Priority Customer market participants have the opportunity today to decrease their PIM Orders Fee from $0.10 to $0.02 per contract provided Members execute an ADV of 12,500 or more contracts in the PIM in a given month.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. While this proposal increases various fees, the Exchange believes that its pricing remains competitive. Below the Exchange addresses, for each proposed, change the reasons why it believes this proposal does not impose a burden on intra-market competition.

Taker Fees

The Exchange's proposal to increase Regular Order Taker Fees for Market Makers from $0.44 to $0.45 per contract and increase Taker Fees for Non-Nasdaq ISE Market Makers (FarMM) and Professional Customers from $0.45 to $0.46 per contract does not impose an undue burden on competition because all market participants will be assessed a similar Taker Fee, except that Market Makers and Priority Customers will continue to be assessed a lower fee. The Exchange believes that assessing a lower Taker Fee for Priority Customers is reasonable because Priority Customer order flow enhances liquidity on the Exchange for the benefit of all market participants and benefits all market participants by providing more trading opportunities, which attracts market makers. Further, assessing a lower Taker Fee for Market Makers is reasonable because Market Makers add value

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* ISE Rule 804.

through quoting obligations [13] and the commitment of capital. Encouraging Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

Fees for Reponses to PIM Orders

The Exchange's proposal to increase Regular Order Fees for Reponses to PIM Orders for all market participants from $0.20 to $0.25 per contract does not impose an undue burden on competition because the Exchange is assessing all market participants the same Fee for Reponses to PIM Orders.

Fees for PIM Orders

The Exchange's proposal to increase the amount assessed to a Member, other than for a Priority Customer, that executes an ADV of 12,500 or more contracts in the PIM from $0.00 to $0.02 per contract does not impose an undue burden on competition because today all market participants, except Priority Customers, are assessed a $0.10 per contract fee for executing PIM orders. Priority Customers are not assessed a Fee for PIM Orders. Non-Priority Customer market participants have the opportunity today to decrease their PIM Order Fee from $0.10 to $0.05 per contract provided a Member executes an ADV of 7,500 or more contracts in the PIM in a given month. With this proposal, all non-Priority Customer market participants have the opportunity today to decrease their PIM Order Fee from $0.10 to $0.02 per contract provided Members execute an ADV of 12,500 or more contracts in the PIM in a given month.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[14] and Rule 19b–4(f)(2) [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2018–37 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–ISE–2018–37. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–37 and should be submitted on or before May 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09114 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* ISE Rule 804.

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83101; File No. SR–ISE–2018–40]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Delay for the Re-introduction of Concurrent Complex Order Auction Functionality

April 25, 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 April 19, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the delay for re-introduction of functionality which permits concurrent complex order auctions in the same complex strategy by an additional one year.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the delay for re-introduction of functionality which permits concurrent [3] complex order auctions in the same complex strategy by an additional one year. The Exchange previously filed [4] a rule change which delayed functionality permitting concurrent complex auctions in conjunction with a migration to the INET [5] platform. The April 2017 Rule Change provided that with the delay, a complex order auction in a particular complex strategy would not be initiated if another complex order auction is already ongoing in that complex strategy. In conjunction with the April 2017 Rule Change, the Exchange issued an Options Trader Alert notifying Members that concurrent complex auctions would not be offered at this time.[6]

By way of background, ISE offers various complex order auctions that are designed to provide members an opportunity to trade and to potentially receive price improvement for complex orders that are entered on the Exchange, including an Exposure auction pursuant to Rule 722(b)(3)(iii), a Complex Price Improvement Mechanism (''PIM'') pursuant to Supplementary Material .09 to Rule 723, a Complex Facilitation Mechanism pursuant to Supplementary Material .08 to Rule 716, and Complex Solicited Order Mechanism also pursuant to Supplementary Material .08 to Rule 716. While only one PIM auction may be ongoing at any given time in a series or complex strategy, and PIMs are not permitted to queue or overlap in any manner,[7] there are no similar restrictions for non-PIM auctions, and any such auctions may be processed concurrently, including in parallel with a PIM auction. For example, while the trading system would prohibit a member from entering a PIM auction when another PIM auction is already ongoing in a complex strategy, if there was an Exposure auction already running a member would be able to start a PIM, Facilitation, Solicitation, or even another Exposure auction in that strategy. This allows maximum ability of members to express their trading intent on the Exchange by permitting multiple complex order auctions in the same complex strategy to be ongoing at any particular time.

When the Exchange initially delayed this functionality, the Exchange noted in the April 2017 Rule Change that it would reintroduce concurrent complex order auctions in the same complex strategy at a later date within one year of date of the filing. The Exchange filed the initial rule change on April 17, 2017, with a one year delay, and the additional one year delay would extend the implementation timeframe for this functionality to April 17, 2019. The extended delay would provide the Exchange additional time to develop and test this functionality on INET. The Exchange will issue an Options Trader Alert notifying Members when this functionality will be available. Furthermore, in connection with this change, the Exchange also proposes to amend Rule 722 to remove language about the migration of symbols to INET as this migration has been completed and all symbols listed by the Exchange are currently trading on the INET platform.

With the delay, only one complex order auction would continue to be ongoing at any given time in a complex strategy, and such auctions would not queue or overlap in any manner. For PIM, Facilitation, or Solicitation auctions, the Exchange would continue to reject a complex order auction of the same or different auction type in a complex strategy that would be initiated while another complex order auction is ongoing in that complex strategy.[8] In the case where a complex order auction has already been initiated in a complex strategy, an Exposure auction for an order for that strategy would continue to not be initiated and the order would be processed as a complex order that is not marked for price improvement,[9] instead of rejecting the complex order. If the member requested the order to be cancelled after the exposure period, then the complex order would continue to be cancelled back to the member.

The Exchange believes that implementing concurrent complex order auctions in the same complex strategy at a later date will not have a significant impact on members as it is rare for multiple complex order auctions in a complex strategy to be ongoing at a particular time. This is particularly the case today due to the recent decrease in the Exchange's auction timers to 100 milliseconds.[10] The Exchange notes that prior to the migration to the INET platform concurrent complex order auctions in a strategy only occurred approximately 0.5% of the time that an auction runs on the Exchange. The Exchange therefore believes that the impact on Members will continue to be insignificant, and if a member does have auction eligible interest to execute when another complex order auction is ongoing, the member can either re-submit that order to the Exchange, after the auction has concluded, or submit it to another options market that provides similar auction functionality. In this regard, the Exchange notes that its market data feeds provide information to Members about when a complex order auction is ongoing, and Members can therefore use this information to make appropriate routing decisions based on applicable market conditions.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to promote just and equitable principles of

[3] The current ISE Rule 722 rule text refers to these auctions as ''simultaneous''. The Exchange is proposing to amend the rule text to replace the word ''simultaneous'' with ''concurrent.'' This change is designed to make the rule text more accurately describe the functionality. The functionality is not being changed.

[4] *See* Securities and Exchange Act Release No. 80525 (April 25, 2017), 82 FR 20405 (May 1, 2017) (SR–ISE–2017–33) (''April 2017 Rule Change'').

[5] INET is the proprietary core technology utilized across Nasdaq's global markets and utilized on The Nasdaq Options Market LLC (''NOM''), Nasdaq PHLX LLC (''Phlx'') and Nasdaq BX, Inc. (''BX'') (collectively, ''Nasdaq Exchanges''). The migration of ISE to the Nasdaq INET architecture resulted in higher performance, scalability, and more robust architecture.

[6] *See* Options Trader Alert #2017–35.

[7] *See* Supplementary Material .04 to Rule 723.

[8] The rejection message sent to the member will contain an appropriate reason code indicating that the auction was rejected due to another ongoing complex order auction in the same complex strategy.

[9] Currently, an Exposure order auction is automatically initiated when a member submits an eligible complex order that is marked for price improvement. *See* Rule 722(b)(3)(iii). Pursuant to Rule 722(b)(3)(iii), complex orders may be marked for price improvement, and if so marked, the complex order may be exposed on the complex order book for a period of up to one-second before being automatically executed. Members can also request that their complex orders be cancelled after the exposure period.

[10] *See* Securities Exchange Act Release No. 79733 (January 4, 2017), 82 FR 3055 (January 10, 2017) (SR–ISE–2016–26) (permitting the Exchange to determine auction timers for PIM, Facilitation, and Solicitation within a range of 100 milliseconds and one second). Each of these auction timers are currently set to 100 milliseconds—*i.e.,* the bottom of the range approved in the filing. Exposure auctions can be any duration up to one second (*See* Rule 722(b)(3)), and are also currently set to 100 milliseconds.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest because the Exchange desires to rollout the concurrent complex order auctions functionality at a later date to allow additional time to test and implement this functionality. As proposed herein, within a year from April 17, 2018, the Exchange will offer concurrent auction functionality.

The Exchange does not anticipate that the proposed rule change will have any meaningful impact with respect to members' ability to execute complex order auctions as similar restrictions are already in place on other options exchanges.[13] Concurrent complex order auctions in a complex strategy are rare, and therefore the vast majority of the time members would be able to enter a complex order auction notwithstanding the temporary delay of the implementation of concurrent auctions. With respect to Exposure auctions, in the case where another complex order auction in the same strategy has already been initiated, the Exchange proposes to allow the complex order to continue to be processed without an auction in the same manner as complex orders that are not marked for price improvement. If the Member has marked the complex order to be cancelled after the exposure period, however, the Exchange would cancel the order back to the member consistent with that instruction. If the Member is not able to initiate a complex order auction because another complex order auction in the same strategy has been initiated, the Member may either re-initiate the auction after the auction concludes or submit the order to another options market that offers similar functionality. Thus, Members will be able to continue to express their trading intent regardless of the proposed delay in concurrent auction functionality.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impact the intense competition that exists in the options market. The Exchange does not believe that the proposed delay will impose any significant burden on inter-market competition as it does not impact the ability of other markets to offer or not offer competing functionality.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because all Members uniformly will not be able to initiate concurrent auctions in the same complex order strategy. Within a year from April 17, 2018, the Exchange will offer concurrent complex auction functionality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing, ISE requests that the Commission waive the 30-day operative delay to allow the proposed one-year extension of the time for re-introducing concurrent complex order auction functionality to begin at the conclusion of the current delay period, which was scheduled to end on April 17, 2018. As noted above, ISE states that extending the delay for re-introducing concurrent complex order auction functionality will provide ISE with additional time to develop and test this functionality. The Exchange also notes that the proposed rule change is not expected to have any meaningful impact on members' ability to express their trading intent; ISE indicates that such auctions are rare and do not usually occur concurrently. The Commission believes that waiving the operative delay is consistent with the protection of investors and the public interest because it will provide ISE with additional time to develop and test concurrent complex order auction functionality. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2018–40 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–ISE–2018–40. 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

[13] *See* Phlx Rule 1098(e)(2) [sic]. Nasdaq Phlx, LLC (''Phlx''), for example, does not allow the initiation of a Complex Order Live Auction (''COLA'') when there is already a Price Improvement XL (''PIXL'') auction already ongoing in the strategy. Similarly, Miami International Securities Exchange LLC (''MIAX'') can limit the frequency of Complex Auctions by establishing a minimum time period between such auctions, and permits only one Complex Auction per strategy to be in progress at any particular time. *See* MIAX Rule 518(d)(2).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–40, and should be submitted on or before May 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–09111 Filed 4–30–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Agricultural Aircraft Operator Certificate Application

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 8, 2018. The collection involves the submission of application FAA Form 8710–3 for the certification process. The information to be collected will be used to evaluate the operators' request to become certificated as an Agricultural Aircraft Operator.

DATES: Written comments should be submitted by May 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0049.

Title: Agricultural Aircraft Operator Certificate Application.

Form Numbers: FAA Form 8710–3.

Type of Review: This pertains to a renewal of an existing information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 8, 2018 (83 FR 5675). Application for a certificate is made on a form, and in a manner, prescribed by the Administrator. The FAA form 8710–3 may be obtained from an FAA Flight Standards District Office and filed with the FAA Flight Standards District Office that has jurisdiction over the area in which the applicant's home base of operations is located.

The information collected includes: Type of application, Operator's name/DBAs, telephone number, mailing address, physical address of the principal base of operations, chief pilot/designee name, airman certificate grade and number, rotorcraft make/model registration numbers to be used and load combinations requested.

Respondents: 200 respondents.

Frequency: Applicants submit the form once, for initial issuance, and any time the operator requires an amendment to the operating certificate.

Estimated Average Burden per Response: 30 minutes each for 137.1, 137.15, 137.17, and 137.51 and 137.71. 4.5 hours per response for recordkeeping requirements of 137.71.

Estimated Total Annual Burden: Total reporting requirements of 325 hours, and recordkeeping requirements of 9000 hours, for a total burden of 9325 hours.

Public comments invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Fort Worth, TX, on April 24, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–09086 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: General Aviation and Air Taxi Activity and Avionics Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published February 6, 2018. This information will be used by FAA for safety assessment, planning, forecasting, cost/benefit analysis, and to target areas for research.

DATES: Written comments should be submitted by May 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed

[18] 17 CFR 200.30–3(a)(12) and (59).

to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0060.

Title: General Aviation and Air Taxi Activity and Avionics Survey.

Form Numbers: 1800–54.

Type of Review: Extension Without Change.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018. This information is used by FAA for safety assessment, planning, forecasting, cost/benefit analysis, and to target areas for research.

Respondents: 39,000 airmen.

Frequency: Information is collected annually.

Estimated Average Burden per Response: 20 minutes.

Estimated Total Annual Burden: 13,000 hours.

Public comments invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Fort Worth, TX, on April 24, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–09088 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Reporting of Information Using Special Airworthiness Information Bulletin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018. The collection involves requests for reporting of results from requested actions/inspections. The information to be collected will be used to alert, educate, and make recommendations to the aviation community and individual aircraft owners/operators on ways to improve products.

DATES: Written comments should be submitted by May 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0731.

Title: Reporting of Information Using Special Airworthiness Information Bulletin.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018 (83 FR 5291). A special airworthiness information bulletin (SAIB) is an important tool that helps the FAA to gather information to determine whether an airworthiness directive is necessary. An SAIB alerts, educates, and make recommendations to the aviation community and individual aircraft owners and operators about ways to improve the safety of a product. It contains non-regulatory information and guidance that is advisory and may include recommended actions or inspections with a request for voluntary reporting of inspection results.

Respondents: Approximately 1,120 owners/operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 5 minutes.

Estimated Total Annual Burden: 467 hours.

Issued in Fort Worth, TX, on April 23, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–09099 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–22]

Petition for Exemption; Summary of Petition Received; Rolls-Royce plc

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

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the

FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 11, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0143 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tara Fitzgerald, Federal Aviation Administration, Engine and Propeller Standards Branch, AIR–6A2. 1200 District Avenue, Burlington, Massachusetts 01803–5529; (781) 238–7130; facsimile: (781) 238–7199; email: *Tara.Fitzgerald@faa.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 14 CFR 11.85.

Issued in Burlington, Massachusetts, on April 24, 2018.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

Petition for Exemption

Docket No.: FAA–2018–0143.
Petitioner: Rolls-Royce plc.
Section(s) of 14 CFR Affected: § 33.27(c)(2)(v) at amendment 33–10.
Description of Relief Sought: Rolls-Royce requests an exemption from 14 CFR 33.27(c)(2)(v) at amendment 33–10 for the Rolls-Royce Trent 1000–A, 1000–C, 1000–D, 1000–E, 1000–G, and 1000–H engine models. Rolls-Royce seeks to exclude a failure of the HP shaft system from consideration in determining 105 percent of the highest overspeed that would result from a complete loss of load on the HP turbine.

[FR Doc. 2018–09194 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Special Flight Rules in the Vicinity of Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018. The FAA will use the information it collects and reviews to monitor compliance with the regulations regarding air tours in the Grand Canyon National Park.

DATES: Written comments should be submitted by May 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0653.
Title: Special Flight Rules in the Vicinity of Grand Canyon National Park.
Form Numbers: There are no FAA forms associated with this collection.
Type of Review: This is a renewal of an information collection.
Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018 (83 FR 5291). Each operator seeking to obtain or in possession of an air carrier operating certificate must comply with the requirements of 14 CFR part 135 or part 121, as appropriate. Each of these operators conducting air tours in the Grand Canyon National Park must additionally comply with the collection requirements for that airspace. The FAA will use the information it collects and reviews to monitor compliance with the regulations and, if necessary, take enforcement action against violators of the regulations. No comments were received.
Respondents: 12.
Frequency: Information is collected on occasion.
Estimated Average Burden per Response: 45 minutes.
Estimated Total Annual Burden: 36 hours.
Public comments invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Fort Worth, TX, on April 24, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–09100 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Advanced Qualification Program (AQP)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018. The Advanced Qualification Program uses data driven quality control processes for validating and maintaining the effectiveness of air carrier training program curriculum content.

DATES: Written comments should be submitted by May 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0701.

Title: Advanced Qualification Program (AQP).

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 2018 (83 FR 5292). Under Special Federal Aviation Regulation No. 58, Advanced Qualification Program (AQP), the FAA provides certificated air carriers, as well as training centers they employ, with a regulatory alternative for training, checking, qualifying, and certifying aircrew personnel subject to the requirements of 14 CFR parts 121 and 135. Data collection and analysis processes ensure that the certificate holder provides performance information on its crewmembers, flight instructors, and evaluators that will enable them and the FAA to determine whether the form and content of training and evaluation activities are satisfactorily accomplishing the overall objectives of the curriculum. There were no comments received.

Respondents: 25 respondents with approved Advanced Qualification Programs.

Frequency: Data are collected monthly.

Estimated Average Burden per Response: 2 hours.

Estimated Total Annual Burden: 600 hours.

Issued in Fort Worth, TX, on April 24, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–09087 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0034]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on March 14, 2018, BNSF Logistics (BNSF–L) 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 231, Railroad Safety Appliance Standards, and Association of American Railroads (AAR) Standard S–2044, Appendix D1, which governs the Safety Appliances for Flatcars with Full Decks. FRA assigned the petition Docket Number FRA–2018–0034.

BNSF–L seeks relief to allow the transport of wind towers and wind turbine blades by removing tall hand grabs at the corners of flatcars that can foul the loaded cars with the towers and blades. Specifically, BNSF–L proposes to:

- Remove any tall handgrabs that could be damaged by lading during the initial loading.
- Provide formal, engineered storage on each car for the removed tall handgrabs.
- Add a handgrab to the side sill that extends at least 6″ above the deck and is between 27″ to 34″ above the sill step.
- Apply decals stating that ''This location not suitable for riding'' to mark these locations.
- Disable the coupler on both cars where the overhang is located to prevent uncoupling. Note that in many cases this location is equipped with a drawbar instead of couplers.
- Reapply standard safety appliances and remove the decals only when car is released from unit wind service.

BNSF–L believes this proposal will avoid damage to safety appliances and cargo.

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 about 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 June 15, 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.). Under 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.*

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–09121 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0081]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on April 4, 2018, the Association of American Railroads (AAR) petitioned the Federal Railroad Administration (FRA) for a Special Approval of certain industry standards in accordance with the Federal railroad safety regulations contained at 49 CFR 231.33, *Procedure for special approval of existing industry safety appliance standards,* and 49 CFR 231.35, *Procedure for modification of an approved industry safety appliance standard for new railcar construction.* FRA assigned the petition Docket Number FRA–2013–0081.

AAR, on behalf of itself and its member railroads, submitted a petition for special approval of existing industry safety appliance standards contained in 49 CFR part 231, Railroad Safety Appliance Standards, and minor edits to AAR Standard S–2044 and its appendices that have been previously approved by the FRA. Specifically, AAR requests approval of the standards and specifications delineated in AAR Standard S–2044, Appendices F4, Safety Appliances for Side-Dump Cars, and J1, Safety Appliances for Rail-Compatible Vehicles. Appendices F4 and J1 were not included in the version of AAR Standard S–2044 approved March 29, 2016, and are entirely new. AAR also seeks approval of minor clarifying edits to previously-approved AAR Standard S–2044 and its appendices. AAR Standard S–2044 and its appendices have been developed to serve as requirements for safety appliance arrangements. The revised standard and its appendices are to be applied to new railroad freight cars, if approved by FRA.

AAR Standard S–2044 was established by the AAR Safety Appliance Task Force (Task Force), which was created by AAR's Equipment Engineering Committee (EEC) to develop industry standards for safety appliance arrangements on modern railcar types not explicitly covered by 49 CFR part 231. The Task Force consists of representatives from Class I railroads, labor unions, car builders, private car owners, and shippers, along with ergonomics experts and government representatives from FRA and Transport Canada who participate as non-voting members. The Task Force drafted a base safety appliance standard for all car types, plus industry safety appliance standards for specific car types. These industry standards have been adopted by AAR's Engineering Equipment Committee and, with FRA's approval, will serve as the core criteria for safety appliance arrangements on railcars that are more specialized in design.

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 June 15, 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.). Under 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.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2018–09120 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0042]

Notice of Application for Approval To Discontinue or Modify a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on April 20, 2018, CSX Transportation (CSX) petitioned

the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2018–0042.

Applicant: CSX Transportation, Mr. Carl Walker, Chief Engineer Communications & Signals, 500 Water Street, Speed Code J—350, Jacksonville, FL 32202.

CSX seeks approval to discontinue the signal system on the main tracks between control point (CP) Strick, milepost (MP) OWI 208.1 on the EK Subdivision, Winchester, KY, and CP Blackey, MP OVB 267.1 on the Rockhouse Subdivision, Blackey, KY. CSX proposes to discontinue the CP–511 and TC–510 Rules in the track segment and operate under TWC–D–505 Rules.

CSX states the reason for the proposed change is that CP–511 and TC–510 Rules are no longer needed for present day operation.

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 June 15, 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.*

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–09123 Filed 4–30–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; 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 list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*http://www.treasury.gov/ofac*).

Notice of OFAC Actions

On April 6, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. AKIMOV, Andrey Igorevich, Russia; DOB 1953; POB Leningrad, Russia; Gender Male; Chairman of the Management Board of Gazprombank (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of Executive Order 13661 of March 16, 2014, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'' (E.O. 13661) for being an official of the Government of the Russian Federation.

2. BOGDANOV, Vladimir Leonidovich, Russia; DOB 28 May 1951; POB Suyerka, Uporovsky District, Tyumen Region, Russian Federation; Gender Male (individual) [UKRAINE–EO13662]. Designated pursuant to section 1(a)(i) of Executive Order 13662 of March 20, 2014, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'' (E.O. 13662) for operating in the energy sector of the Russian Federation economy.

3. DERIPASKA, Oleg Vladimirovich, Moscow, Russia; 64 Severnaya Street, Oktyabrsky, Khutor, Ust-Labinsky District, Krasnodar Territory 352332, Russia; 5, Belgrave Square, Belgravia, London SW1X 8PH, United Kingdom; DOB 02 Jan 1968; POB Dzerzhinsk, Nizhny Novgorod Region, Russia; citizen Russia; alt. citizen Cyprus; Gender Male (individual) [UKRAINE–EO13661] [UKRAINE–EO13662]. Designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13661 for having acted or purported to act for or on behalf of, directly or indirectly, a senior official of the of the Government of the Russian Federation.

Also designated pursuant to section 1(a)(i) of E.O. 13662 for operating in the energy sector of the Russian Federation economy.

4. DYUMIN, Alexey Gennadyevich (a.k.a. DYUMIN, Alexei), Russia; DOB 28 Aug 1972; POB Kursk, Russian Federation; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

5. FRADKOV, Mikhail Efimovich (Cyrillic: ФРАДКОВ, Михаил Ефимович), Russia; DOB 01 Sep 1950; POB Kurumoch, Kuibyshev Region, Russia; Gender Male; Director of the Russian Institute for Strategic Studies (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

6. FURSENKO, Sergei (a.k.a. FURSENKO, Sergey; a.k.a. FURSENKO, Sergey Aleksandrovich); DOB 11 Mar 1954; POB Saint-Petersburg (F.K.A. Leningrad), Russian Federation; citizen Russia; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

7. GOVORUN, Oleg, Russia; DOB 15 Jan 1969; POB Bratsk, Irkutsk Region, Russia; Gender Male; Head of the Presidential Directorate for Social and Economic Cooperation with the Commonwealth of Independent States Member Countries, the Republic of Abkhazia, and the Republic of South Ossetia (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

8. KERIMOV, Suleiman Abusaidovich (Cyrillic: КЕРИМОВ, Сулейман Абусаидович) (a.k.a. KERIMOV, Suleyman), Moscow, Russia; Antibes, France; DOB 12 Mar 1966; POB Derbent, Republic of Dagestan, Russia; citizen Russia; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

9. KOLOKOLTSEV, Vladimir Alexandrovich, Russia; DOB 11 May 1961; POB Nizhny Lomov, Penza Region, Russia; Gender Male; Minister of Internal Affairs of the Russian Federation, General of the Police of the Russian Federation (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

10. KOSACHEV, Konstantin, Russia; DOB 17 Sep 1962; POB Moscow, Russia; nationality Russia; Gender Male; Chairperson of the Council of the Federation Committee on Foreign Affairs (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

11. KOSTIN, Andrey Leonidovich, Moscow, Russia; DOB 21 Sep 1956; POB Moscow, Russian Federation; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

12. MILLER, Alexey Borisovich, Moscow, Russia; DOB 31 Jan 1962; POB Saint-Petersburg, Russian Federation; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

13. REZNIK, Vladislav Matusovich, Moscow, Russia; DOB 17 May 1954; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

14. ROTENBERG, Igor Arkadyevich (a.k.a. ROTENBERG, Igor Arkadevich); DOB 09 May 1973; POB Leningrad, Russia; Gender Male (individual) [UKRAINE–EO13662]. Designated pursuant to section 1(a)(i) of E.O. 13662 for operating in the energy sector of the Russian Federation economy.

15. PATRUSHEV, Nikolai Platonovich, Russia; DOB 11 Jul 1951; POB Leningrad, Russian Federation; nationality Russia; Gender Male; Secretary of the Russian Federation Security Council (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

16. SHAMALOV, Kirill Nikolaevich; DOB 22 Mar 1982; POB Leningrad, Russia; Gender Male (individual) [UKRAINE–EO13662]. Designated pursuant to section 1(a)(i) of E.O. 13662 for operating in the energy sector of the Russian Federation economy.

17. SHKOLOV, Evgeniy Mikhailovich, Russia; DOB 31 Aug 1955; POB Dresden, Germany; nationality Russia; Gender Male; Aide to the President of the Russian Federation (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

18. SKOCH, Andrei Vladimirovich (a.k.a. SKOCH, Andrey), Russia; DOB 30 Jan 1966; POB Nikolsky (Moscow), Russia; Gender Male; Deputy of State Duma (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

19. TORSHIN, Alexander Porfiryevich, Moscow, Russia; DOB 27 Nov 1953; POB Mitoga village, Ust-Bolsheretsky district, Kamchatka region, Russian Federation; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

20. USTINOV, Vladimir Vasilyevich, Russia; DOB 25 Feb 1953; POB Nikolayevsk-on-Amur, Russian Federation; Gender Male (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

21. VALIULIN, Timur Samirovich, Russia; DOB 20 Dec 1962; POB Krasnozavodsk, Zagorsk District, Moscow Region, Russia; Gender Male; Chief of the General Administration for Combating Extremism of the Ministry of Internal Affairs of the Russian Federation (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

22. VEKSELBERG, Viktor Feliksovich, Russia; DOB 14 Apr 1957; POB Drogobych, Lviv region, Ukraine; Gender Male (individual) [UKRAINE–EO13662]. Designated pursuant to section 1(a)(i) of E.O. 13662 for operating in the energy sector of the Russian Federation economy.

23. ZHAROV, Alexander Alexandrovich (a.k.a. ZHAROV, Aleksandr), Russia; DOB 11 Aug 1964; POB Chelyabinsk, Russia; Gender Male; Head of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

24. ZOLOTOV, Viktor Vasiliyevich, Russia; DOB 27 Jan 1954; POB Ryazanskaya oblast, Russia; nationality Russia; Gender Male; Director of the Federal Service of National Guard Troops and Commander of the National Guard Troops of the Russian Federation (individual) [UKRAINE–EO13661]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

Entities

1. AGROHOLDING KUBAN (a.k.a. KUBAN AGRO; a.k.a. KUBAN AGROHOLDING), 77 Mira St., Ust-Labinsk, Krasnodar Territory 352330, Russia; 1 Montazhnaya St., Ust-Labinsk, Krasnodar Territory, Russia; 116 Mira St., Ust-Labinsk, Krasnodar Territory, Russia; 1 G. Konshinykh St., Krasnodar Territory, Russia; 2 Rabochaya St., Ust-Labinsk, Krasnodar Territory, Russia [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich; Linked To: BASIC ELEMENT LIMITED). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by BASIC ELEMENT LIMITED, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by BASIC ELEMENT LIMITED, a person determined to be subject to E.O. 13662.

2. BASIC ELEMENT LIMITED (a.k.a. BAZOVY ELEMENT), Esplanade 44, Saint Helier JE4 9WG, Jersey; 30 Rochdelskaya Street, Moscow 123022, Russia; Registration ID 84039 [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

3. B–FINANCE LTD, Vanterpool Plaza, 2nd Floor, Wickhams Cay, Road Town, Tortola, Virgin Islands, British [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

4. EN+ GROUP PLC, Esplanade 44, Saint Helier JE4 9WG, Jersey; 8 Cleveland Row, London SW1A 1DH, United Kingdom; 1 Vasilisy Kozhinoy St., Moscow 121096, Russia; Registration ID 91061 [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich).

Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

5. GAZ GROUP, 88 Lenin Avenue, Nizhny Novgorod 603950, Russia; 15/1 Rochdelskaya Str., Moscow 123022, Russia [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich; Linked To: RUSSIAN MACHINES). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by RUSSIAN MACHINES, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by RUSSIAN MACHINES, a person determined to be subject to E.O. 13662.

6. GAZPROM BURENIE, OOO (f.k.a. BUROVAYA KOMPANIYA OAO GAZPROM, DOCHERNEE OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU; a.k.a. GAZPROM BURENIYE LLC; a.k.a. LIMITED LIABILITY COMPANY GAZPROM BURENIYE; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU GAZPROM BURENIE), 12A, ul. Nametkina, Moscow 117420, Russia; website *www.burgaz.ru;* Email Address *mail@burgaz.gazprom.ru;* Registration ID 1028900620319; Tax ID No. 5003026493; Government Gazette Number 00156251 [UKRAINE–EO13662] (Linked To: ROTENBERG, Igor Arkadyevich). Designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Igor Arkadyevich ROTENBERG, a person determined to be subject to E.O. 13662.

7. JSC EUROSIBENERGO, 165 Chkalova Street, Divnogorsk, Krasnoyarsk Krai 663091, Russia; 1 Vasilisy Kozhinoy Street, Moscow 121096, Russia; Registration ID 5087746073817; Tax ID No. 7706697347; Identification Number 88303955 [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich; Linked To: EN+ GROUP PLC). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by EN+ GROUP PLC, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by EN+ GROUP PLC, a person determined to be subject to E.O. 13662.

8. LADOGA MENEDZHMENT, OOO (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU LADOGA MENEDZHMENT; a.k.a. OOO LADOGA MANAGEMENT), 10 naberezhnaya Presnenskaya, Moscow 123317, Russia; Registration ID 1147748143971; Tax ID No. 7729442761; Government Gazette Number 29437172 [UKRAINE–EO13662] (Linked To: SHAMALOV, Kirill Nikolaevich). Designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Kirill Nikolaevich SHAMALOV, a person determined to be subject to E.O. 13662.

9. NPV ENGINEERING OPEN JOINT STOCK COMPANY (a.k.a. AKTSIONERNOE OBSHCHESTVO ENPIVI INZHINIRING; a.k.a. AO ENPIVI INZHINIRING; a.k.a. ENPIVI INZHINIRING, AO; a.k.a. NPV ENGINEERING JOINT STOCK COMPANY; a.k.a. OJSC NPV ENGINEERING), 5, per. Strochenovski B., Moscow 115054, Russia; PER. Strochenovskii B D.5, Moscow 115054, Russia; website *www.npve.narod.ru;* Email Address *npw@npv.su;* Registration ID 106774653683; Tax ID No. 7707587805; Government Gazette Number 95533058 [UKRAINE–EO13662] (Linked To: ROTENBERG, Igor Arkadyevich). Designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Igor Arkadyevich ROTENBERG, a person determined to be subject to E.O. 13662.

10. RENOVA GROUP (a.k.a. JOINT-STOCK COMPANY RENOVA GROUP OF COMPANIES; a.k.a. JSC RENOVA GROUP OF COMPANIES), V, 28 Balaklavskiy Prospekt, Moscow 117452, Russia; 40, Malaya Ordynka, Moscow 115184, Russia; Registration ID 1047796880548; Tax ID No. 7727526670; Government Gazette Number 772701001 [UKRAINE–EO13662] (Linked To: VEKSELBERG, Viktor Feliksovich). Designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Viktor Feliksovich VEKSELBERG, a person determined to be subject to E.O. 13662.

11. ROSOBORONEKSPORT OAO (a.k.a. OJSC ROSOBORONEXPORT; a.k.a. ROSOBORONEKSPORT OJSC; a.k.a. ROSOBORONEXPORT; a.k.a. ROSOBORONEXPORT JSC; a.k.a. RUSSIAN DEFENSE EXPORT ROSOBORONEXPORT), 27 Stromynka ul., Moscow 107076, Russia; website *www.roe.ru;* Executive Order 13662 Directive Determination—Subject to Directive 3; Registration ID 1117746521452; Tax ID No. 7718852163; Government Gazette Number 56467052; For more information on directives, please visit the following link: *http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives* [SYRIA] [UKRAINE–EO13662] (Linked To: ROSTEC). Designated pursuant to section 1(b)(i) of Executive Order 13582 of August 7, 2011, ''Blocking Property of the Government of Syria and Prohibiting Certain Transactions With Respect to Syria'' (E.O. 13582) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the Government of Syria.

12. RUSSIAN FINANCIAL CORPORATION (a.k.a. AO RFK–BANK; a.k.a. BANK ROSSISKAYA FINANSOVAYA KORPORATSIYA AKTSIONERNOE OBSHCHESTVO; a.k.a. RFC–BANK; a.k.a. RUSSIAN FINANCIAL CORPORATION BANK JSC), St. George's Lane, D. 1, p. 1, Moscow 125009, Russia; d. 1 korp, 1 per. Georgievski, Moscow 125009, Russia; SWIFT/BIC RFCBRUMM; BIK (RU) 044525257 [SYRIA]. Designated pursuant to section 1(b)(ii) of E.O. 13582 for being owned or controlled by ROSOBORONEKSPORT OAO, a person determined to be subject to E.O. 13582.

13. RUSSIAN MACHINES (a.k.a. RUSSKIE MASHINY), Ul. Rochdelskaya 15, 8, Moscow 123022, Russia; Registration ID 1112373000596; Tax ID No. 2373000582; Identification Number 37100386 [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: DERIPASKA, Oleg Vladimirovich; Linked To: BASIC ELEMENT LIMITED). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(ii)(C)(2) of E.O. for being owned or controlled by BASIC ELEMENT LIMITED, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by Oleg Vladimirovich DERIPASKA, a person determined to be subject to E.O. 13662.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by BASIC ELEMENT LIMITED, a person determined to be subject to E.O. 13662.

14. UNITED COMPANY RUSAL PLC, 44 Esplanade, St. Helier JE4 9WG, Jersey; 1 Vasilisy Kozhinoy Str., Moscow 121096, Russia; 11/F Central Twr., 28 Queen's Rd. C, Central District, Hong Kong; Registration ID 94939; Company Number F–17314 (Hong Kong); Business Number 51566843 (Hong Kong) [UKRAINE–EO13661] [UKRAINE–EO13662] (Linked To: EN+ GROUP PLC). Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by EN+ GROUP PLC, a person determined to be subject to E.O. 13661.

Also designated pursuant to section 1(a)(iii) of E.O. 13662 for being owned or controlled by EN+ GROUP PLC, a person determined to be subject to E.O. 13662.

Dated: April 6, 2018.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–09147 Filed 4–30–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Federal Advisory Committee on Insurance

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces that the Department of the Treasury's Federal Advisory Committee on Insurance (''Committee'') will convene a meeting on Thursday, May 10, 2018, in the Cash Room, 1500 Pennsylvania Avenue NW, Washington, DC 20220, from 1:00–5:00 p.m. Eastern Time. The meeting is open to the public, and the site is accessible to individuals with disabilities.

DATES: The meeting will be held on Thursday, May 10, 2018, from 1:00–5:00 p.m. Eastern Time.

ADDRESSES: The Committee meeting will be held in the Cash Room, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

The meeting will be open to the public. Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must register online at *http://www.cvent.com/d/jtqvzb* and fill out the secure online registration form. A valid email address will be required to complete the online registration. (**Note:** The online registration will close at 12:00 p.m. Eastern Time on Tuesday, May 8, 2018.)

Requests for reasonable accommodations under Section 504 of the Rehabilitation Act should be directed to Mariam G. Harvey, Office of Civil Rights and Diversity, Department of the Treasury, at 202–622–0316 or *mariam.harvey@do.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Daniel McCarty, Federal Insurance Office, Room 1410, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220 at 202–622–5892 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. II, 10(a)(2), through implementing regulations at 41 CFR 102–3.150.

Public Comment: Members of the public wishing to comment on the business of the Federal Advisory Committee on Insurance are invited to submit written statements by any of the following methods:

Electronic Statements

- Send electronic comments to *faci@treasury.gov*.

Paper Statements

- Send paper statements triplicate to the Federal Advisory Committee on Insurance, Room 1410, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

In general, the Department of the Treasury will post all statements on its website (*http://www.treasury.gov/about/organizational-structure/offices/Pages/Federal-Insurance.aspx*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. The Department of the Treasury will also make such statements available for public inspection and copying in the Department of the Treasury's Library, 1500 Pennsylvania Avenue NW, Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: This is a periodic meeting of the Federal Advisory Committee on Insurance. In this meeting, the Committee will discuss topics including: Blockchain initiatives and insurtech accelerators; an update on the activities of the Federal Insurance Office; and, other issues. Due to scheduling challenges, this meeting is being announced with less than 15 days' notice (see 41 CFR 102–3.150(b)).

Dated: April 25, 2018.

Steven E. Seitz,

Deputy Director, Federal Insurance Office.

[FR Doc. 2018–09217 Filed 4–30–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0750]

Agency Information Collection Activity Under OMB Review: Ethics Consultation Feedback Tool (ECFT)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, 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 May 31, 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. 2900–0750'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk (OQPR), 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. 2900–0750'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. Part 1Chapter 5 Section 527.

Title: Ethics Consultation Feedback Tool (ECFT); VA Form 10–10065.

OMB Control Number: 2900–0750.

Type of Review: Reinstatement of a currently approved collection.

Abstract: Ethics consultation is a service provided in all Veterans Health Administration (VHA) facilities. We define ethics consultation as a service provided by an individual ethics consultant, ethics consultation team, or ethics committee to help patients, providers, and other parties resolve ethical concerns in a health care setting. The overall goal of ethics consultation is to improve health care quality by facilitating the resolution of ethical concerns. By providing a forum for discussion and methods for careful analysis, effective ethics consultation:

- Promotes practices consistent with high ethical standards
- helps foster consensus and resolve conflict in an atmosphere of respect
- honors participants' authority and values in the decision-making process
- educates participants to handle current and future ethical concerns

Ensuring the success of the ethics consultation service also requires ongoing evaluation, by which we mean systematic assessment of the operation and/or outcomes of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program. Evaluation is an important

strategy to improve the process of ethics consultation (*i.e.,* how ethics consultation is being performed) as well as its outcomes (*i.e.,* how ethics consultation affects participants and the facility).

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 52972 on November 15, 2017, pages 52972 and 52973.

Affected Public: Individuals and households.

Estimated Annual Burden: 47 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 569.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–09104 Filed 4–30–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Tuesday,
No. 84 May 1, 2018

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1
Federal Acquisition Regulation: Federal Acquisition Circular 2005–98; Introduction; Task- and Delivery-Order Protests; Duties of Office of Small and Disadvantaged Business Utilization; Liquidated Damages Rate Adjustment; Audit of Settlement Proposals; and Federal Acquisition Circular 2005–98; Small Entity Compliance Guide; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2018–0001, Sequence No. 2]

Federal Acquisition Regulation: Federal Acquisition Circular 2005–98; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–98. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the internet at *http://www.regulations.gov.*

DATES: For effective dates see the separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–98 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755.

RULES LISTED IN FAC 2005–98

Item	Subject	FAR case	Analyst
I	Task- and Delivery-Order Protests	2017–007	Gray.
II	Duties of Office of Small and Disadvantaged Business Utilization	2017–008	Fry.
III	Liquidated Damages Rate Adjustment	2017–004	Delgado.
IV	Audit of Settlement Proposals	2015–039	Delgado.

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–98 amends the FAR as follows:

Item I—Task- and Delivery-Order Protests (FAR Case 2017–007)

This final rule amends the FAR to implement section 835 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328). Section 835 amends 10 U.S.C. 2304c(e)(1)(B) to raise the threshold for task- and delivery-order protests from $10 million to $25 million (applicable to DoD, NASA, and the Coast Guard). The section also amends 41 U.S.C. 4106(f) to repeal the sunset date, which was also previously repealed by the GAO Civilian Task and Delivery Order Protest Authority Act of 2016 (Pub. L. 114–260). There will be an unquantifiable impact on offerors (including small businesses) that lose the right to protest awards of task or delivery orders valued between $10 million and $25 million, but the impact is expected to be de minimis, because there are very few protests of procurements in that dollar range.

Item II—Duties of Office of Small and Disadvantaged Business Utilization (FAR Case 2017–008)

This final rule amends the FAR to reflect additional duties for agencies' Office of Small and Disadvantaged Business Utilization, or for DoD's Office of Small Business Programs, which were added to section 15(k) of the Small Business Act by the NDAA for FY 2017. This rule only provides information regarding the internal operating procedures of the Government.

Item III—Liquidated Damages Rate Adjustment (FAR Case 2017–004)

This final rule amends the FAR to adjust for inflation the rate of liquidated damages assessed or enforced by Department of Labor (DOL) regulations for violations of the overtime provisions of the Contract Work Hours and Safety Standards Act. The FAR rule implements DOL's interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, DOL's final rule published in the **Federal Register** at 82 FR 5373 on January 18, 2017, and subsequent adjustments for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (section 701 of Pub. L. 114–74)(28 U.S.C. 2461 Note). There is no significant impact on small entities imposed by the FAR rule.

Item IV—Audit of Settlement Proposals (FAR Case 2015–039)

This final rule amends the FAR to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to $750,000 to align with the threshold in FAR 15.403–4(a)(1) for obtaining certified cost or pricing data.

The requirements in the rule will not have a significant economic impact on a substantial number of small entities. Since the rule raises the audit threshold, even fewer small businesses will be subject to audits of their termination settlement proposals resulting in a reduction of time spent to complete termination settlements.

Dated: April 25, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2005–98 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–98 is effective May 1, 2018 except for items I, II, III, and IV, which are effective May 31, 2018.

Dated: April 24, 2018.

Shay D. Assad,

Director, Defense Pricing/Defense Procurement and Acquisition Policy.

Dated: April 23, 2018.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Dated: April 24, 2018.

Monica Y. Manning,

Assistant Administrator, Office of Procurement, National Aeronautics and Space Administration.

[FR Doc. 2018–09162 Filed 4–30–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 16

[FAC 2005–98; FAR Case 2017–007; Item I; Docket No. 2017–0007, Sequence No. 1]

RIN 9000–AN41

Federal Acquisition Regulation: Task- and Delivery-Order Protests

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2017 to raise the threshold for task- and delivery-order protests from $10 million to $25 million (applicable to DoD, NASA, and the Coast Guard) and to repeal the sunset date for the authority to protest the placement of an order (for the other civilian agencies), which was also previously repealed by the GAO Civilian Task and Delivery Order Protest Authority Act of 2016.

DATES: *Effective:* May 31, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gray, Procurement Analyst, at 703–795–6328, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–98, FAR Case 2017–007.

SUPPLEMENTARY INFORMATION:

I. Background

Section 835 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328) was enacted December 23, 2016. Section 835(a) amended 10 U.S.C. 2304c(e)(1)(B) to raise the threshold for task- and delivery-order protests from $10 million to $25 million (applicable to DoD, NASA, and the Coast Guard). Section 835(b) amended 41 U.S.C. 4106(f) to repeal the sunset date of September 30, 2016, of the authority to protest the placement of an order (for the other civilian agencies). The sunset date was already repealed on December 14, 2016, by the GAO Civilian Task and Delivery Order Protest Authority Act of 2016 (Pub. L. 114–260).

II. Discussion and Analysis

This final rule amends FAR 16.505(a)(10) to raise the threshold for DoD, NASA, and the Coast Guard from $10 million to $25 million and remove the sunset date for the other civilian agencies.

III. Expected Cost Savings

The rule is administrative in nature—it follows the statute exactly, raising a threshold and removing a sunset date.

Currently, FAR 16.505(a)(10)(i) prohibits any protest in connection with the issuance or proposed issuance of an order under a task-order contract or delivery-order contract, except for a protest on the grounds that the order increases the scope, period, or maximum value of the contract; or the order is valued in excess of $10 million. This FAR change implements section 835 of the National Defense Authorization Act for Fiscal Year 2017 to—

- Raise the threshold at which a protest may be filed at the Government Accountability Office (GAO) for task or delivery orders from $10 million to $25 million, applicable only to DoD, NASA, and the Coast Guard; and
- Remove the sunset date (September 30, 2016) for the authority to protest the placement of an order for agencies other than DoD, NASA, and the Coast Guard.

Although, according to GAO, there are fewer than 10 protests per year of procurements between $10 million and $25 million, the higher threshold for protests of task or delivery orders for DoD, NASA, and the Coast Guard will result in savings for GAO and the affected Executive branch agencies, because there will no longer be protests of orders valued between $10 million and $25 million based on dollar value. While it is difficult to quantify, the lost benefit to interested parties who will lose the right to protest as a result of this rule is likely de minimis, given the historical data from GAO indicating a small number of protests in the affected dollar range. Further, there are some benefits to offerors or contractors who win awards and will no longer need to expend resources defending challenges to the award. Therefore, the net burden of this rule is estimated as less than zero, though the FAR Council is not able to monetize cost savings.

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new solicitation provisions or clauses, or impact any existing provisions or clauses.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at Title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it follows the statute exactly, raising a threshold and removing a sunset date.

VI. Executive Orders 12866 and 13563

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

rule is not a major rule under 5 U.S.C. 804.

VII. Executive Order 13771

Pursuant to E.O. 13771, this rule is a deregulatory action. Information on the expected cost savings of this action can be found in section III of the preamble.

VIII. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section V. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

IX. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 16

Government procurement.

Dated: April 25, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are amending 48 CFR part 16 as set forth below:

PART 16—TYPES OF CONTRACTS

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

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 16.505 by revising paragraph (a)(10) to read as follows:

16.505 Ordering.

(a) * * *

(10)(i) No protest under subpart 33.1 is authorized in connection with the issuance or proposed issuance of an order under a task-order contract or delivery-order contract, except—

(A) A protest on the grounds that the order increases the scope, period, or maximum value of the contract; or

(B)(*1*) For agencies other than DoD, NASA, and the Coast Guard, a protest of an order valued in excess of $10 million (41 U.S.C. 4106(f)); or

(*2*) For DoD, NASA, or the Coast Guard, a protest of an order valued in excess of $25 million (10 U.S.C. 2304c(e)).

(ii) Protests of orders in excess of the thresholds stated in 16.505(a)(10)(i)(B) may only be filed with the Government Accountability Office, in accordance with the procedures at 33.104.

* * * * *

[FR Doc. 2018–09165 Filed 4–30–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 19

[FAC 2005–98; FAR Case 2017–008: Item II; Docket No. 2017–0008; Sequence No. 1]

RIN 9000–AN36

Federal Acquisition Regulation: Duties of Office of Small and Disadvantaged Business Utilization

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to reflect sections of the National Defense Authorization Act for Fiscal Year 2017, which amend section 15(k) of the Small Business Act to provide additional duties for agencies' Office of Small and Disadvantaged Business Utilization (OSDBU), and for DoD's Office of Small Business Programs (OSBP).

DATES: *Effective:* May 31, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Fry, Procurement Analyst, at 703–605–3167 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–98, FAR Case 2017–008.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are amending the FAR to reflect sections of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328), which amend the Small Business Act to provide additional duties for OSDBUs. By operation of 10 U.S.C. 144(b), these additional duties also apply to OSBPs. Section 1812, paragraph (a) of section 1813, and paragraph (b) of section 1821 of the NDAA for FY 2017 amend section 15(k) of the Small Business Act to add duties for OSDBUs and OSBPs.

Section 1812 of the NDAA for FY 2017 amends the Small Business Act to specifically reference the existing duties of OSDBUs and OSBPs with respect to the various small business programs and consolidation of contract requirements. Section 1812 also requires that OSDBUs and OSBPs review summary purchase card data for acquisitions above the micro-purchase threshold (*e.g.,* $3,500), but below the simplified acquisition threshold (*e.g.,* $150,000), to ensure these acquisitions are compliant with the Small Business Act and have been properly recorded in the Federal Procurement Data System (FPDS). The revision to the FAR reflecting section 1812 of the NDAA includes flexibility for each OSDBU or OSBP to identify the best purchase card data available to their agency when implementing the statutory requirement.

Paragraph (a) of section 1813 requires OSDBUs and OSBPs to provide assistance to a small business prime contractor or subcontractor in finding resources for education and training on compliance with the FAR after award of their contract or subcontract.

Paragraph (b) of section 1821 requires OSDBUs and OSBPs to review all required small business subcontracting plans to ensure that they provide maximum practicable opportunity for small business concerns to participate as subcontractors.

Currently, acquisition-related duties of OSDBUs and OSBPs are found in FAR 19.201, General policy. The duties found in FAR 19.201 are based on the duties found in section 15(k) of the Small Business Act (15 U.S.C. 644(k)). Additional OSDBU and OSBP acquisition-related duties enacted before the NDAA for FY 2017 listed at 15 U.S.C. 644(k), which were not previously updated in the FAR, are also included in this rule.

Additionally, this rule revises the OSDBU and OSBP duty at FAR 19.201(c)(5), which relates to increasing small business participation in solicitations that involve bundling. This revision reflects that OSDBUs and OSBPs perform much broader functions under those scenarios than what is currently listed in the FAR.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy,

regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. While this final rule relates to the expenditure of appropriated funds, it is not required to be published for public comment because it does not have a significant effect or impose any requirements on contractors or offerors; the rule only provides information to contracting officers. This information affects only the internal operating procedures of the Government.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule amends FAR 19.201, General policy. The objective of the rule is to update the list of duties for OSDBUs and OSBPs in line with section 15(k) of the Small Business Act. No clauses or provisions are being created or revised by this rule.

IV. Executive Orders 12866 and 13563

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

V. Executive Order 13771

This rule is exempt under E.O. 13771 as it is related to agency organization, management, or personnel.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section II. of this preamble). Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 19

Government procurement.

Dated: April 25, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 19 as set forth below:

PART 19—SMALL BUSINESS PROGRAMS

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

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 19.201 by revising paragraph (c) to read as follows.

19.201 General policy.

* * * * *

(c) The Small Business Act requires each agency with contracting authority to establish an Office of Small and Disadvantaged Business Utilization (see section 15(k) of the Small Business Act). For the Department of Defense, in accordance with section 904 of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109–163) (10 U.S.C. 144 note), the Office of Small and Disadvantaged Business Utilization has been redesignated as the Office of Small Business Programs. Management of the office is the responsibility of an officer or employee of the agency who, in carrying out the purposes of the Act—

(1) Is known as the Director of Small and Disadvantaged Business Utilization, or for the Department of Defense, the Director of Small Business Programs;

(2) Is appointed by the agency head;

(3) Is responsible to and reports directly to the agency head or the deputy to the agency head;

(4) Is responsible for the agency carrying out the functions and duties in sections 8, 15, 31, 36, and 44 of the Small Business Act;

(5) Works with the SBA procurement center representative (or, if a procurement center representative is not assigned, see 19.402(a)(2)) to identify proposed solicitations that involve bundling and work with the agency acquisition officials and SBA to revise the acquisition strategies for such proposed solicitations to increase the probability of participation by small businesses;

(6) Assists small business concerns in obtaining payments under their contracts, late payment interest penalties, or information on contractual payment provisions;

(7) Has supervisory authority over agency personnel to the extent that their functions and duties relate to sections 8, 15, 31, 36, and 44 of the Small Business Act;

(8) Assigns a small business technical advisor to each contracting activity within the agency to which the SBA has assigned a representative (see 19.402)—

(i) Who is a full-time employee of the contracting activity, well qualified, technically trained, and familiar with the supplies or services contracted for by the activity; and

(ii) Whose principal duty is to assist the SBA's assigned representative in performing functions and duties relating to sections 8, 15, 31, 36, and 44 of the Small Business Act;

(9) Cooperates and consults on a regular basis with the SBA in carrying out the agency's functions and duties in sections 8, 15, 31, 36, and 44 of the Small Business Act;

(10) Makes recommendations in accordance with agency procedures as to whether a particular acquisition should be awarded under subpart 19.5 as a small business set-aside, under subpart 19.8 as a section 8(a) award, under subpart 19.13 as a HUBZone set-aside, under subpart 19.14 as a service-disabled veteran-owned small business set-aside, or under subpart 19.15 as a set-aside for economically disadvantaged women-owned small business (EDWOSB) concerns or women-owned small business (WOSB) concerns eligible under the WOSB Program;

(11) Conducts annual reviews to assess the—

(i) Extent to which small businesses are receiving a fair share of Federal procurements, including contract opportunities under the programs administered under the Small Business Act;

(ii) Adequacy of consolidated or bundled contract documentation and justifications; and

(iii) Actions taken to mitigate the effects of necessary and justified consolidation or bundling on small businesses;

(12) Provides a copy of the assessment made under paragraph (c)(11) of this section to the Agency Head and SBA Administrator;

(13) Provides to the chief acquisition officer and senior procurement executive advice and comments on acquisition strategies, market research, and justifications related to consolidation of contract requirements;

(14) When notified by a small business concern prior to the award of a contract that the small business concern believes that a solicitation, request for proposal, or request for quotation unduly restricts the ability of the small business concern to compete for the award—

(i) Submits the notification by the small business concern to the contracting officer and, if necessary, recommends ways in which the solicitation, request for proposal, or request for quotation may be altered to increase the opportunity for competition; and

(ii) Informs the advocate for competition of such agency (as established under 41 U.S.C 1705 or 10 U.S.C. 2318) of such notification;

(15) Ensures agency purchases using the Governmentwide purchase card that are greater than the micro-purchase threshold and less than the simplified acquisition threshold were made in compliance with the Small Business Act and were properly recorded in accordance with subpart 4.6 in the Federal Procurement Data System;

(16) Assists small business contractors and subcontractors in finding resources for education and training on compliance with contracting regulations;

(17) Reviews all subcontracting plans required by 19.702(a) to ensure the plan provides maximum practicable opportunity for small business concerns to participate in the performance of the contract; and

(18) Performs other duties listed at 15 U.S.C. 644(k).

* * * * *

[FR Doc. 2018–09166 Filed 4–30–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22 and 52

[FAC 2005–98; FAR Case 2017–004; Item III; Docket No. 2017–0004, Sequence No. 1]

RIN 9000–AN37

Federal Acquisition Regulation: Liquidated Damages Rate Adjustment

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to adjust for inflation the rate of liquidated damages assessed for violations of the overtime provisions of the Contract Work Hours and Safety Standards Act.

DATES: *Effective:* May 31, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at 202–969–7207 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–98, FAR Case 2017–004.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement the Department of Labor (DOL) interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, the final rule published in the **Federal Register** at 82 FR 5373 on January 18, 2017, and subsequent adjustments for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) (section 701 of Pub. L. 114–74) (28 U.S.C. 2461 Note). The Inflation Adjustment Act requires agencies to adjust the levels of civil monetary penalties for inflation no later than January 15 of each year.

II. Discussion and Analysis

The DOL rule set the new rate of liquidated damages at $25 per individual for each calendar day on which a laborer or mechanic employed under a contract or subcontract subject to the overtime provisions of the Contract Work Hours and Safety Standards Act was required or permitted to work in excess of the standard workweek of 40 hours without payment of the required overtime wages. Since this rate will continue to change annually for inflation, FAR 22.302, Liquidated Damages and Overtime Pay, and paragraph (b) of FAR clause 52.222–4, Contract Work Hours and Safety Standards—Overtime Compensation, are revised to reference the current liquidated damages rate, as specified in the DOL regulations at 29 CFR 5.5(b)(2). With this reference being incorporated in lieu of the dollar amount, an annual FAR change will not be necessary.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule amends the FAR to refer to the rate of liquidated damages for violations of the overtime provisions of the Contract Work Hours and Safety Standards Act, in accordance with DOL regulations, rather than provide a specific dollar rate, because this rate is adjusted annually. The revisions do not add any new burdens or impact applicability of clauses and provisions at or below the simplified acquisition threshold, or to commercial items.

IV. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because this final FAR rule merely implements the requirements of the DOL rule that was published for comment—interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, and the final rule published in the **Federal Register** at 82 FR 5373 on January 18, 2017. The new

DOL rate is required by statute (the Inflation Adjustment Act); GSA, DoD, and NASA have no authority to change the rate.

V. Executive Orders 12866 and 13563

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

VI. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VII. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section IV. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VIII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 22 and 52

Government procurement.

Dated: April 25, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 22 and 52 as set forth below:

■ 1. The authority citation for parts 22 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 2. Amend section 22.302 by revising paragraph (a) to read as follows:

22.302 Liquidated damages and overtime pay.

(a) When an overtime computation discloses underpayments, the responsible contractor or subcontractor must pay the affected employee any unpaid wages and pay liquidated damages to the Government. The contracting officer must assess liquidated damages at the rate specified at 29 CFR 5.5(b)(2) per affected employee for each calendar day on which the employer required or permitted the employee to work in excess of the standard workweek of 40 hours without paying overtime wages required by the statute. In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 Note), the Department of Labor adjusts this civil monetary penalty for inflation no later than January 15 each year.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.222–4 by revising the date of the clause and paragraph (b) to read as follows:

52.222–4 Contract Work Hours and Safety Standards—Overtime Compensation.

* * * * *

Contract Work Hours and Safety Standards—Overtime Compensation (May, 2018)

* * * * *

(b) *Violation; liability for unpaid wages; liquidated damages.* The responsible Contractor and subcontractor are liable for unpaid wages if they violate the terms in paragraph (a) of this clause. In addition, the Contractor and subcontractor are liable for liquidated damages payable to the Government. The Contracting Officer will assess liquidated damages at the rate specified at 29 CFR 5.5(b)(2) per affected employee for each calendar day on which the employer required or permitted the employee to work in excess of the standard workweek of 40 hours without paying overtime wages required by the Contract Work Hours and Safety Standards statute (found at 40 U.S.C. chapter 37). In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 Note), the Department of Labor adjusts this civil monetary penalty for inflation no later than January 15 each year.

* * * * *

[FR Doc. 2018–09167 Filed 4–30–18; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 49

[FAC 2005–98, FAR Case 2015–039; Item IV; Docket No. 2015–0039, Sequence No. 1]

RIN 9000–AN26

Federal Acquisition Regulations: Audit of Settlement Proposals

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to align with the threshold for obtaining certified cost or pricing data.

DATES: *Effective:* May 31, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at 202–969–7207, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–98, FAR Case 2015–039.

SUPPLEMENTARY INFORMATION:

I. Background

DOD, GSA, and NASA published a proposed rule in the **Federal Register** at 81 FR 63158 on September 14, 2016, to amend FAR 49.107 to increase the dollar threshold for the audit of prime contract settlement proposals and subcontract settlements submitted in the event of contract termination, from $100,000 to align with the threshold in FAR 15.403–4(a)(1) for obtaining certified cost or pricing data, which is currently $750,000.

II. Discussion and Analysis

No public comments were submitted in response to the proposed rule. Therefore, there are no changes from the proposed rule made in the final rule.

III. Expected Cost Savings

This final rule impacts contractors subject to audits of their termination settlement proposals. The rule is administrative in nature, because it raises a threshold. This rule eliminates termination settlements audits between $100,000 and the threshold for obtaining certified cost or pricing data, currently $750,000. Contractors will save costs associated with the preparation and support for the termination settlement audits. This will also enable faster final settlement payments to contractors, thereby improving contractor cash flow.

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new solicitation provisions or clauses, or impact any existing provisions or clauses.

V. Executive Orders 12866 and 13563

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

VI. Executive Order 13771

Pursuant to E.O. 13771, this rule is a deregulatory action. Information on the expected cost savings of this action can be found in section III of the preamble.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a final regulatory flexibility analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule amends FAR 49.107, Audit of prime contract settlement proposals and subcontract settlements, to raise the dollar threshold for the audit of prime contract settlement proposals and subcontract settlements submitted in the event of contract termination from $100,000 to the threshold for obtaining certified cost or pricing data set forth in FAR 15.403–4(a)(1), which is currently $750,000. The rule is necessary to reduce the administrative burdens associated with termination settlement proposals.

No public comments were received in response to the initial regulatory flexibility analysis.

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Since the rule raises the audit threshold, even fewer small businesses will be subject to audits of their termination settlement proposals. It is estimated that an average of 4 small entities per year will be relieved from the requirements of supporting an audit of a contract settlement proposal, which is a minute fraction of all contracts awarded to small businesses in a typical year.

The rule imposes no reporting, recordkeeping, or other information collection requirements.

There are no known significant alternatives to the rule. The impact of this rule on small business is not expected to be significant.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 49

Government procurement.

Dated: April 25, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 49 as set forth below:

PART 49—TERMINATION OF CONTRACTS

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

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 49.107 by revising paragraphs (a) and (b) to read as follows:

49.107 Audit of prime contract settlement proposals and subcontract settlements.

(a) The TCO shall refer each prime contractor settlement proposal valued at or above the threshold for obtaining certified cost or pricing data set forth in FAR 15.403–4(a)(1) to the appropriate audit agency for review and recommendations. The TCO may submit settlement proposals of less than the threshold for obtaining certified cost or pricing data to the audit agency. Referrals shall indicate any specific information or data that the TCO considers relevant and shall include facts and circumstances that will assist the audit agency in performing its function. The audit agency shall develop requested information and may make any further accounting reviews it considers appropriate. After its review, the audit agency shall submit written comments and recommendations to the TCO. When a formal examination of settlement proposals valued under the threshold for obtaining certified cost or pricing data is not warranted, the TCO will perform or have performed a desk review and include a written summary of the review in the termination case file.

(b) The TCO shall refer subcontract settlements received for approval or ratification to the appropriate audit agency for review and recommendations when—

(1) The amount exceeds the threshold for obtaining certified cost or pricing data; or

(2) The TCO determines that a complete or partial accounting review is advisable. The audit agency shall submit written comments and recommendations to the TCO. The review by the audit agency does not relieve the prime contractor or higher tier subcontractor of the responsibility for performing an accounting review.

* * * * *

[FR Doc. 2018–09169 Filed 4–30–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2018–0001, Sequence No. 2]

Federal Acquisition Regulation: Federal Acquisition Circular 2005–98; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA,

and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2005–98, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005–98, which precedes this document. These documents are also available via the internet at *http://www.regulations.gov.*

DATES: May 1, 2018.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–98 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755.

RULES LISTED IN FAC 2005–98

Item	Subject	FAR case	Analyst
I	Task- and Delivery-Order Protests	2017–007	Gray.
II	Duties of Office of Small and Disadvantaged Business Utilization	2017–008	Fry.
III	Liquidated Damages Rate Adjustment	2017–004	Delgado.
*IV	Audit of Settlement Proposals	2015–039	Delgado.

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–98 amends the FAR as follows:

Item I—Task- and Delivery-Order Protests (FAR Case 2017–007)

This final rule amends the FAR to implement section 835 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328). Section 835 amends 10 U.S.C. 2304c(e)(1)(B) to raise the threshold for task- and delivery-order protests from $10 million to $25 million (applicable to DoD, NASA, and the Coast Guard). The section also amends 41 U.S.C. 4106(f) to repeal the sunset date, which was also previously repealed by the GAO Civilian Task and Delivery Order Protest Authority Act of 2016 (Pub. L. 114–260). There will be an unquantifiable impact on offerors (including small businesses) that lose the right to protest awards of task or delivery orders valued between $10 million and $25 million, but the impact is expected to be de minimis, because there are very few protests of procurements in that dollar range.

Item II—Duties of Office of Small and Disadvantaged Business Utilization (FAR Case 2017–008)

This final rule amends the FAR to reflect additional duties for agencies' Office of Small and Disadvantaged Business Utilization, or for DoD's Office of Small Business Programs, which were added to section 15(k) of the Small Business Act by the NDAA for FY 2017. This rule only provides information regarding the internal operating procedures of the Government.

Item III—Liquidated Damages Rate Adjustment (FAR Case 2017–004)

This final rule amends the FAR to adjust for inflation the rate of liquidated damages assessed or enforced by Department of Labor (DOL) regulations for violations of the overtime provisions of the Contract Work Hours and Safety Standards Act. The FAR rule implements DOL's interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, DOL's final rule published in the **Federal Register** at 82 FR 5373 on January 18, 2017, and subsequent adjustments for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (section 701 of Pub. L. 114–74) (28 U.S.C. 2461 Note). There is no significant impact on small entities imposed by the FAR rule.

Item IV—Audit of Settlement Proposals (FAR Case 2015–039)

This final rule amends the FAR to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to $750,000 to align with the threshold in FAR 15.403–4(a)(1) for obtaining certified cost or pricing data.

The requirements in the rule will not have a significant economic impact on a substantial number of small entities. Since the rule raises the audit threshold, even fewer small businesses will be subject to audits of their termination settlement proposals resulting in a reduction of time spent to complete termination settlements.

Dated: April 25, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2018–09171 Filed 4–30–18; 8:45 am]

BILLING CODE 6820–EP–P

FEDERAL REGISTER

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Part III

The President

Proclamation 9729—World Intellectual Property Day, 2018

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Presidential Documents

Title 3—

The President

Proclamation 9729 of April 26, 2018

World Intellectual Property Day, 2018

By the President of the United States of America

A Proclamation

On World Intellectual Property Day, we not only celebrate invention and innovation, but also we recognize how integral intellectual property rights are to our Nation's economic competitiveness. Intellectual property rights support the arts, sciences, and technology. They also create the framework for a competitive market that leads to higher wages and more jobs for everyone. The United States is committed to protecting the intellectual property rights of our companies and ensuring a level playing field in the world economy for our Nation's creators, inventors, and entrepreneurs.

Our country will no longer turn a blind eye to the theft of American jobs, wealth, and intellectual property through the unfair and unscrupulous economic practices of some foreign actors. These practices are harmful not only to our Nation's businesses and workers but to our national security as well. Intellectual property theft is estimated to cost our economy as much as $600 billion a year. To protect our economic and national security, I have directed Federal agencies to aggressively respond to the theft of American intellectual property. In combatting this intellectual property theft, and in enforcing fair and reciprocal trade policy, we will protect American jobs and promote global innovation.

While we continue to demand the protection of intellectual property rights abroad, my Administration will also take steps to strengthen our patent system here at home. A system that increases the reliability and enforceability of patents will encourage even more investment in creative and innovative industries, leading to job and wealth creation for all Americans. When the United States advances pro-growth policies of this form, we set an example of protecting economic competitiveness, promoting new engines of growth, and prioritizing the expansion of innovative and creative capacities overall.

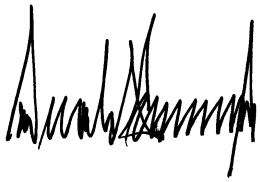
This year's World Intellectual Property Day is dedicated to celebrating all of the industrious and brilliant women who have changed, and who continue to change, the world with their inventions, innovations, and other creative contributions to society. Our Nation's economic strength and prosperity would not be so without the over 75 million women in our country's workforce, whose ingenuity, initiative, and hard work have helped foster the growth and progress of America's economy since our formation. Over the past decade, the number of women-owned firms has grown five times faster than the national average for all firms. American women are assuming leading roles in health, business and finance, the arts, and the STEM fields. We must protect the intellectual property rights of these women creators, inventors, and entrepreneurs in order to promote further innovation for years to come.

A new era of American exceptionalism is dawning, in the form of sustained intellectual property rights and continued American entrepreneurship. The drive for excellence, advancement, and innovation in the United States has brought forth significant discoveries, developed life-saving research, and improved the quality of life for millions of Americans. On this World Intellectual Property Day, we celebrate the creative spirit and contributions of

American men and women, and we acknowledge the necessity of maintaining intellectual property rights for all those enterprising individuals who dare to invent or create something new for the betterment of all people.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26, 2018, as World Intellectual Property Day. I encourage Americans to observe this day with events and educational programs that celebrate the benefits of intellectual property to our economy and our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–09363
Filed 4–30–18; 11:15 am]
Billing code 3295–F8–P

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At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
May 1	May 16	May 22	May 31	Jun 5	Jun 15	Jul 2	Jul 30
May 2	May 17	May 23	Jun 1	Jun 6	Jun 18	Jul 2	Jul 31
May 3	May 18	May 24	Jun 4	Jun 7	Jun 18	Jul 2	Aug 1
May 4	May 21	May 25	Jun 4	Jun 8	Jun 18	Jul 3	Aug 2
May 7	May 22	May 29	Jun 6	Jun 11	Jun 21	Jul 6	Aug 6
May 8	May 23	May 29	Jun 7	Jun 12	Jun 22	Jul 9	Aug 6
May 9	May 24	May 30	Jun 8	Jun 13	Jun 25	Jul 9	Aug 7
May 10	May 25	May 31	Jun 11	Jun 14	Jun 25	Jul 9	Aug 8
May 11	May 29	Jun 1	Jun 11	Jun 15	Jun 25	Jul 10	Aug 9
May 14	May 29	Jun 4	Jun 13	Jun 18	Jun 28	Jul 13	Aug 13
May 15	May 30	Jun 5	Jun 14	Jun 19	Jun 29	Jul 16	Aug 13
May 16	May 31	Jun 6	Jun 15	Jun 20	Jul 2	Jul 16	Aug 14
May 17	Jun 1	Jun 7	Jun 18	Jun 21	Jul 2	Jul 16	Aug 15
May 18	Jun 4	Jun 8	Jun 18	Jun 22	Jul 2	Jul 17	Aug 16
May 21	Jun 5	Jun 11	Jun 20	Jun 25	Jul 5	Jul 20	Aug 20
May 22	Jun 6	Jun 12	Jun 21	Jun 26	Jul 6	Jul 23	Aug 20
May 23	Jun 7	Jun 13	Jun 22	Jun 27	Jul 9	Jul 23	Aug 21
May 24	Jun 8	Jun 14	Jun 25	Jun 28	Jul 9	Jul 23	Aug 22
May 25	Jun 11	Jun 15	Jun 25	Jun 29	Jul 9	Jul 24	Aug 23
May 29	Jun 13	Jun 19	Jun 28	Jul 3	Jul 13	Jul 30	Aug 27
May 30	Jun 14	Jun 20	Jun 29	Jul 5	Jul 16	Jul 30	Aug 28
May 31	Jun 15	Jun 21	Jul 2	Jul 5	Jul 16	Jul 30	Aug 29