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Contents

Federal Register

Vol. 83, No. 93

Monday, May 14, 2018

Agency for Toxic Substances and Disease Registry

NOTICES

Draft Interaction Profile for Mixtures of Insecticides:
Pyrethroids, Organophosphorus Compounds, and
Carbamates, 22263

Agricultural Marketing Service

PROPOSED RULES

Organic Research, Promotion, and Information Order;
Termination of Rulemaking Proceeding, 22213–22214

NOTICES

2018 Rates Charged for Services, 22239–22243

Agricultural Research Service

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals; Correction, 22243

Agriculture Department

See Agricultural Marketing Service

See Agricultural Research Service

See Commodity Credit Corporation

See Rural Business-Cooperative Service

RULES

Revision of Delegations of Authority and Commodity Credit
Corporation Board of Directors Meeting Requirements,
22177–22190

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 22243–22244

Antitrust Division

NOTICES

Changes under the National Cooperative Research and
Production Act:
ODVA, Inc., 22288–22289

Bureau of Consumer Financial Protection

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 22254–22255

Centers for Disease Control and Prevention

NOTICES

Meetings:

Board of Scientific Counselors, National Center for Injury
Prevention and Control, 22263–22264

Requests for Information:

Occupational Robotics Research Prioritization, 22264–
22266

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 22266–22268

Children and Families Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 22268–22270

Coast Guard

RULES

Drawbridge Operations:

St. Croix River, Stillwater, MN, 22199–22201

Safety Zones:

Upper Mississippi River, St. Louis, MO, 22201–22203

Special Local Regulations:

Sector Ohio Valley, 22194–22199

PROPOSED RULES

Lower Mississippi River, New Orleans, LA, 22225–22227

NOTICES

Proposed Termination of U.S. Coast Guard Rebroadcast of
HYDROLANT and HYDROPAC Information, 22276–
22277

Commerce Department

See Economic Development Administration

See Foreign-Trade Zones Board

See International Trade Administration

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 22244–22245

Commodity Credit Corporation

RULES

Revision of Delegations of Authority and Commodity Credit
Corporation Board of Directors Meeting Requirements,
22177–22190

Comptroller of the Currency

PROPOSED RULES

Regulatory Capital Rules:

Implementation and Transition of the Current Expected
Credit Losses Methodology for Allowances and
Related Adjustments to the Regulatory Capital Rules
and Conforming Amendments to Other Regulations,
22312–22339

Defense Department

NOTICES

Meetings:

Defense Policy Board, 22255–22256

Economic Development Administration

NOTICES

Trade Adjustment Assistance Eligibility; Petitions, 22245–
22246

Education Department

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Application for Flexibility for Equitable Per-pupil
Funding, 22256

Applications for New Awards:

Centers for International Business Education Program,
22256–22260

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency**RULES**

Air Quality State Implementation Plans; Approvals and Promulgations:
Maryland; Approval of an Alternative Volatile Organic Compound Emission Standard, 22203–22207
Texas; Interstate Transport Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards, 22207–22208

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
California; Eastern Kern Air Pollution Control District; Reclassification, 22235–22238
North Dakota; Revisions to Air Pollution Control Rules, 22227–22235

Federal Aviation Administration**PROPOSED RULES**

Airworthiness Directives:
Airbus Airplanes, 22219–22224
Special Conditions:
Gulfstream Aerospace Corporation Model GVII–G500 Series Airplanes; Flight Envelope Protection-High Incidence Protection System, 22214–22219

NOTICES

Exemption Petitions; Summaries:
The Boeing Co., 22308–22309

Federal Communications Commission**RULES**

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, 22208–22209
Radio Broadcasting Services:
Cora, WY, 22209–22210

Federal Deposit Insurance Corporation**PROPOSED RULES**

Regulatory Capital Rules:
Implementation and Transition of the Current Expected Credit Losses Methodology for Allowances and Related Adjustments to the Regulatory Capital Rules and Conforming Amendments to Other Regulations, 22312–22339

Federal Emergency Management Agency**NOTICES**

Flood Hazard Determinations, 22277–22279
Flood Hazard Determinations; Changes, 22280–22284
Major Disaster and Related Determinations:
Kentucky, 22278
Major Disaster Declarations:
Pueblo of Acoma; Amendment No. 1, 22279–22280

Federal Energy Regulatory Commission**NOTICES**

Combined Filings, 22260–22262
Filings:
T.E.S. Filer City Station Limited Partnership, 22261
License Transfers:
Franklin Springer; Watershed Ranch LLC, 22262

Federal Reserve System**PROPOSED RULES**

Regulatory Capital Rules:
Implementation and Transition of the Current Expected Credit Losses Methodology for Allowances and Related Adjustments to the Regulatory Capital Rules and Conforming Amendments to Other Regulations, 22312–22339

NOTICES

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 22262–22263

Food and Drug Administration**RULES**

Guidance:
The Food and Drug Administration Food Safety Modernization Act; Extension and Clarification for Certain Provisions of Four Implementing Rules: What You Need to Know About the Food and Drug Administration Regulation; Small Entity Compliance Guide, 22193–22194

PROPOSED RULES

Tentative Final Monographs:
Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Use; Partial Withdrawal, 22224–22225

NOTICES

Guidance:
Pediatric HIV Infection; Drug Development for Treatment, 22270–22271

Foreign Assets Control Office**NOTICES**

Blocking or Unblocking of Persons and Properties, 22309–22310

Foreign-Trade Zones Board**NOTICES**

Subzone Status; Approvals:
Manuel Freije Arce, Inc.; Catano, PR, 22246

Health and Human Services Department

See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

NOTICES

Meetings:
National Advisory Committee on Children and Disasters and National Preparedness and Response Science Board, 22273–22274

Health Resources and Services Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Health Center Patient Survey, 22272–22273
Requests for Nominations:
Council on Graduate Medical Education, 22271–22272

Homeland Security Department

See Coast Guard
See Federal Emergency Management Agency
See U.S. Citizenship and Immigration Services

Interior Department

See Land Management Bureau

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Certain Steel Nails from the Sultanate of Oman, 22246–22249

Supercalendered Paper from Canada: Initiation of Changed Circumstances Review, 22249–22250

International Trade Commission**NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain UV Curable Coatings for Optical Fibers, Coated Optical Fibers, and Products Containing Same, 22287–22288

Justice Department

See Antitrust Division

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Private Industry Feedback Survey, 22289

Labor Department

See Occupational Safety and Health Administration

See Wage and Hour Division

Land Management Bureau**NOTICES**

Plats of Survey:

Colorado, 22287

National Credit Union Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 22292–22293

National Institute of Standards and Technology**NOTICES**

Lightweight Cryptography Requirements and Evaluation Criteria, 22251–22252

Meetings:

National Construction Safety Team Advisory Committee, 22250–22251

Visiting Committee on Advanced Technology, 22250

National Institutes of Health**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Customer Service, Demographic, and Smoking/Tobacco use Information from the National Cancer Institute's Contact Center Clients, 22275–22276

Meetings:

Eunice Kennedy Shriver National Institute of Child Health and Human Development, 22274

National Heart, Lung, and Blood Institute, 22274–22275

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:

Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Management Measures; Amendment 47, 22210–22212

NOTICES

Meetings:

Gulf of Mexico Fishery Management Council, 22252–22253

New England Fishery Management Council, 22253–22254

Revised Management Plans:

Jobos Bay, Puerto Rico National Estuarine Research Reserve Management Plan Revision; Approval, 22254

National Science Foundation**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

National Science Foundation Proposal/Award Information—National Science Foundation Proposal and Award Policies and Procedures Guide, 22293–22294

Nuclear Regulatory Commission**NOTICES**

Draft Regulatory Guides:

Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants, 22297–22299

License Transfers; Applications:

Westinghouse Electric Co., LLC, 22294–22297

Meetings; Sunshine Act, 22294

Occupational Safety and Health Administration**NOTICES**

Nationally Recognized Testing Laboratories:

CSA Group Testing and Certification Inc., 22289–22290

MET Laboratories, Inc., 22291–22292

Postal Regulatory Commission**NOTICES**

New Postal Products, 22299

Postal Service**NOTICES**

Product Changes:

Priority Mail Express, Priority Mail, and First-Class Package Service Negotiated Service Agreement, 22299

Priority Mail Negotiated Service Agreement, 22299

Presidential Documents**EXECUTIVE ORDERS**

Government Agencies and Employees:

Military Spouses; Noncompetitive Civil Service Appointments, Enhancement (EO 13832), 22341–22345

Rural Business-Cooperative Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22244

Securities and Exchange Commission**RULES**

Removal of Provision of Certain Personally Identifiable Information from Forms and Schedules, 22190–22193

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22299–22300, 22302–22303, 22305–22308

Self-Regulatory Organizations; Proposed Rule Changes: Cboe BZX Exchange, Inc., 22303–22305
MIAX PEARL, LLC, 22300–22302

Social Security Administration**NOTICES**

Rescission of Social Security Ruling 05–02; Titles II and XVI:

Determination of Substantial Gainful Activity if Substantial Work Activity is Discontinued or Reduced—Unsuccessful Work Attempt, 22308

Transportation Department

See Federal Aviation Administration

Treasury Department

See Comptroller of the Currency

See Foreign Assets Control Office

U.S. Citizenship and Immigration Services**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Application for Employment Authorization for Abused Nonimmigrant Spouse, 22284–22285

Application for Provisional Unlawful Presence Waiver of Inadmissibility, 22285–22286

Application for Relief under the Immigration and Nationality Act, 22286–22287

Wage and Hour Division**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Employment Information Form, 22292

Separate Parts In This Issue**Part II**

Federal Deposit Insurance Corporation, 22312–22339

Federal Reserve System, 22312–22339

Treasury Department, Comptroller of the Currency, 22312–22339

Part III

Presidential Documents, 22341–22345

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR	50 CFR
Executive Orders:	622.....22210
13832.....22343	
7 CFR	
2.....22177	
1409.....22177	
Proposed Rules:	
1255.....22213	
12 CFR	
Proposed Rules:	
1.....22312	
3.....22312	
5.....22312	
23.....22312	
24.....22312	
32.....22312	
34.....22312	
46.....22312	
208.....22312	
211.....22312	
215.....22312	
217.....22312	
223.....22312	
225.....22312	
252.....22312	
324.....22312	
325.....22312	
327.....22312	
347.....22312	
390.....22312	
14 CFR	
Proposed Rules:	
25.....22214	
39 (2 documents) .....22219, 22222	
17 CFR	
232.....22190	
249.....22190	
21 CFR	
1.....22193	
11.....22193	
16.....22193	
106.....22193	
110.....22193	
111.....22193	
112.....22193	
114.....22193	
117.....22193	
120.....22193	
123.....22193	
129.....22193	
179.....22193	
211.....22193	
507.....22193	
Proposed Rules:	
201.....22224	
343.....22224	
33 CFR	
100.....22194	
117.....22199	
165.....22201	
Proposed Rules:	
165.....22225	
40 CFR	
52 (2 documents) .....22203, 22207	
Proposed Rules:	
52.....22227	
81.....22235	
47 CFR	
51.....22208	
73.....22209	

Rules and Regulations

Federal Register

Vol. 83, No. 93

Monday, May 14, 2018

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Commodity Credit Corporation

7 CFR Part 1409

RIN-0503-AA62

Revision of Delegations of Authority and Commodity Credit Corporation Board of Directors Meeting Requirements

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture is authorized to delegate functions, powers, and duties as the Secretary deems appropriate. This document amends the existing delegations of authority by adding and modifying certain delegations, as explained in the Supplementary Information section below. In addition, it repeals regulations governing meetings of the Commodity Credit Corporation Board of Directors.

DATES: Effective May 14, 2018.

FOR FURTHER INFORMATION CONTACT:

Melissa McClellan, Office of the General Counsel, (202) 720-5565, melissa.mcclellan@ogc.usda.gov.

SUPPLEMENTARY INFORMATION: This rule makes several changes to the United States Department of Agriculture's (USDA) delegations of authority in 7 CFR part 2 by adding new delegations and modifying existing delegations. It also repeals Part 1409, Meetings of the Board of Directors of Commodity Credit Corporation.

Overview of Changes

A. Trade and Foreign Agricultural Affairs

This rule revises the delegations of authority to reflect the establishment of the new Under Secretary for Trade and Foreign Agricultural Affairs (TFAA)

position, as authorized by Congress under the Agricultural Act of 2014 (7 U.S.C. 6935). The rule also implements the realignment of the Foreign Agricultural Service (FAS) and U.S. Codex Office to comprise the new TFAA mission area. See Secretary's Memorandum (SM) 1076-017 (May 11, 2017), available at <https://www.ocio.usda.gov/document/secretarys-memorandum-1076-017>, and SM 1076-018 (Nov. 14, 2017), available at <https://www.ocio.usda.gov/document/secretarys-memorandum-1076-018>. See also 82 FR 22802-02 (May 18, 2017); 82 FR 42781-01 (Sept. 12, 2017).

This rule adds a new section of delegations by the Secretary to the Under Secretary for TFAA at § 2.26. The rule further adds a new Subpart U titled "Delegations of Authority by the Under Secretary of Trade and Foreign Agricultural Affairs." The rule establishes a new § 2.600 with delegations to the Deputy Under Secretary for TFAA, in the event a Deputy Under Secretary is appointed. The delegations of authority to the Administrator, FAS previously located at § 2.43 under Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services are now located under Subpart U at § 2.601. The rule further establishes a new § 2.602 with delegations to the Manager, U.S. Codex Office.

B. Farm Production and Conservation

This rule also revises the delegations to reflect the change in title of the former Under Secretary for Farm and Foreign Agricultural Services (FFAS) to the Under Secretary for Farm Production and Conservation (FPAC), as authorized by Section 772 of the Consolidated Appropriations Act, 2018 (Pub. L. 115-141) and section 4(a) of Reorganization Plan No. 2 of 1953 (5 U.S.C. App.; 7 U.S.C. 2201 note). The revisions reflect the realignment of the Natural Resources Conservation Service (NRCS) from the Natural Resources and Environment (NRE) mission area to the new FPAC mission area, which also includes the Farm Service Agency (FSA) and Risk Management Agency (RMA). See SM 1076-017 (May 11, 2017); 82 FR 22802-01 (May 18, 2017).

The rule accordingly reassigns the delegations of authority related to natural resources and conservation

previously delegated to the Under Secretary for NRE in § 2.20 to the new Under Secretary for FPAC in § 2.16. The delegations of authority to the Chief, NRCS previously located at § 2.61 under Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment and adds them at § 2.43 under the retitled Subpart F—Delegations of Authority by the Under Secretary for Farm Production and Conservation. This rule also adds a new delegation to the Administrator, FSA, through the Under Secretary for FPAC, to administer funds made available to the Secretary in the Further Supplemental Appropriations for Disaster Relief Requirements Act, 2018, Public Law 115-123, for expenses related to hurricanes and wildfires occurring in calendar year 2017.

Throughout Part 2, references to the former Under Secretary for Farm and Foreign Agricultural Services are updated to refer either to the Under Secretary for FPAC or to the Under Secretary for TFAA, depending upon the context.

C. Rural Development

This rule further revises the delegations to reflect that the Rural Development agencies receive delegations from the Secretary through the Assistant to the Secretary for Rural Development, rather than through the former position of Under Secretary for Rural Development. The rule also removes the delegations to the former position of Deputy Under Secretary of Agriculture. Throughout Part 2, the titles of Under Secretary for Rural Development and Under Secretary for Rural and Economic Development are updated to read "Assistant to the Secretary for Rural Development."

The rule also incorporates a new delegation of authority to the Administrator of the Rural Utilities Service, through the Assistant to the Secretary for Rural Development, to issue waivers to the U.S. iron and steel requirements for the construction, alteration, maintenance, or repair of a public water or wastewater system in accordance with the authority granted to the Secretary under Section 746 of Division A of the Consolidated Appropriations Act, 2018, Public Law 115-141, and any subsequent appropriations acts.

D. Organic Cost Share Programs

This rule also revises the delegations of authority to transfer the authority to administer USDA's two Organic Certification Cost Share Programs to the FSA Administrator. The authority to administer the Agricultural Management Assistance Organic Certification Cost Share Program, authorized under the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C)(ii)), was previously delegated to the Under Secretary for Natural Resources and the Environment, and to the Chief, NRCS. This rule revises the delegations to transfer the authority to administer the program to the Administrator, FSA through the Under Secretary for FPAC. Similarly, the authority to administer the National Organic Certification Cost Share Program, authorized under the Farm Security and Rural Investment Act of 2002, as amended by the Agricultural Act of 2014 (7 U.S.C. 6523), was previously delegated to the Administrator, Agricultural Marketing Service (AMS), through the Under Secretary for Marketing and Regulatory Programs. This rule revokes those delegations and transfers the responsibility for this program to the Administrator, FSA. See SM 1076–024 (Sept. 8, 2017) available at <https://www.ocio.usda.gov/document/secretarys-memorandum-1076-024>.

E. General Counsel

The rule also amends the delegations of the General Counsel at § 2.31 to require that settlement agreements above certain monetary thresholds be reviewed and concurred in by the Office of the General Counsel. See SM 1076–020 (Jan. 4, 2018) available at <https://www.ocio.usda.gov/document/secretarys-memorandum-1076-020>. The rule includes a conforming revision to the general delegations of authority to supervise and direct, located at § 2.7.

F. Conforming Amendments

In addition to the revisions outlined above, the rule updates the list of General Officers at § 2.4 to include the Under Secretaries for TFAA and FPAC and the Assistant to the Secretary for RD, and removes obsolete titles. In addition, the rule updates cross-references to delegations for the former Under Secretary for FFAS and to the Administrator, FAS to reflect the new Under Secretary titles and CFR unit locations.

G. Commodity Credit Corporation

This rule also amends part 1409, Meeting of the Board of Directors of Commodity Credit Corporation (CCC),

by removing and reserving the part. The regulations in part 1409 were issued in 1977 pursuant to the Government in the Sunshine Act, which applied to the CCC because, at that time, the CCC was an agency “headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency.” See 5 U.S.C. 552b; 42 FR 14673 (Mar. 16, 1977). Under the CCC Charter Act, the Secretary is ex officio Chairman of a seven-member Board of Directors. 15 U.S.C. 714g(a). At the time part 1409 was issued, members of the CCC Board of Directors were appointed by the President, by and with the advice and consent of the Senate.

After part 1409 took effect, the CCC Board was required to make its meeting open to public observation, though the rules included a process for holding closed meetings. See 7 CFR 1409.3, 1409.4, and 1409.5. During the time following the application of the open-meeting requirements, the CCC Board held meetings infrequently because of the inability, in the presence of the public, to discuss or take action on matters of a market-sensitive nature. Since 1999, the CCC Board of Directors has held only one meeting, in May 2003. See 68 FR 25317–01 (May 12, 2003).

The Presidential Appointment Efficiency and Streamlining Act of 2011 amended the CCC Charter Act to remove the Senate confirmation requirement for Board members. Public Law 112–166, sec. 2(a)(3) (Aug. 10, 2012). Accordingly, because the Government in the Sunshine Act no longer applies to the CCC Board of Directors, USDA is deleting the regulations at part 1409.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Orders 12866 and 13771. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 2

Authority delegations (Government agencies)

7 CFR Part 1409

Sunshine Act

Accordingly, under the authority of 7 U.S.C. 714b and as discussed in the preamble, 7 CFR parts 2 and 1409 are amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949–1953 Comp., p. 1024.

■ 2. In part 2, revise all references to “Under Secretary for Rural Development” and “Under Secretary for Rural Economic and Community Development” to read “Assistant to the Secretary for Rural Development”.

Subpart A—General

■ 3. Section 2.4 is revised to read as follows:

§ 2.4 General Officers.

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: The Deputy Secretary, the Under Secretary for Farm Production and Conservation; the Under Secretary for Food, Nutrition, and Consumer Services, the Under Secretary for Food Safety; the Under Secretary for Marketing and Regulatory Programs; the Under Secretary for Natural Resources and Environment; the Under Secretary for Research, Education, and Economics; the Under Secretary for Trade and Foreign Agricultural Affairs; the Assistant Secretary for Administration; the Assistant Secretary for Civil Rights; the Assistant Secretary for Congressional Relations; the Assistant to the Secretary for Rural Development; the Chief Economist; the Chief Financial Officer; the Chief Information Officer; the General Counsel; the Inspector General; the Judicial Officer; the Director, National Appeals Division; the Director, Office of Budget and Program Analysis; the Director, Office of Communications; the Director, Office of Small and Disadvantaged Business Utilization; and the Director, Office of Tribal Relations.

Subpart B—General Delegations of Authority by the Secretary of Agriculture

■ 4. Amend § 2.7 by revising the first sentence to read as follows:

§ 2.7 Authority to Supervise and Direct.

Unless specifically reserved, or otherwise delegated (including delegations of legal functions to the General Counsel at § 2.31), the delegations of authority to each general officer of the Department and each agency head contained in this part includes the authority to direct and supervise the employees engaged in the conduct of activities under such official's jurisdiction, and the authority to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction required by or authorized by law and deemed by the general officer or agency head to be necessary and proper to the discharge of his or her responsibilities. * * *

Subpart C—Delegations of Authority to the Deputy Secretary, Under Secretaries, and Assistant Secretaries

■ 5. Amend § 2.16 by:

- a. Revising the section heading;
- b. Revising paragraph (a) introductory text and (a)(1)(vi);
- c. Adding paragraph (a)(1)(xi)
- d. Revising paragraphs (a)(1)(xxvi) and (xxxii);
- c. Adding paragraphs (a)(1)(xxxvii) and (xxxviii); and
- d. Revising paragraphs (a)(3) and (10) and (b)(2).

The revisions and additions read as follows:

§ 2.16 Under Secretary for Farm Production and Conservation.

(a) The following delegations of authority are made by the Secretary of Agriculture to the Under Secretary for Farm Production and Conservation:

(1) * * *

(vi) Conduct fiscal, accounting and claims functions relating to Commodity Credit Corporation (CCC) programs for which the Under Secretary for Farm Production and Conservation has been delegated authority.

* * * * *

(xi) Administer the Organic Certification Cost Share Programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C)(ii), and under the Farm Security and Rural Investment Act, as amended by the Agricultural Act of 2014 (7 U.S.C. 6523). [Reserved]

* * * * *

(xxvi) Administer the following provisions of the Farm Security and Rural Investment Act of 2002 with respect to functions otherwise delegated to the Under Secretary for Farm Production and Conservation:

* * * * *

(xxxii) Implement the authority in section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) to accept and use voluntary contributions of non-Federal funds in support of natural resources conservation programs under subtitle D of title XII of that Act with respect to authorities delegated to the Under Secretary for Farm Production and Conservation.

* * * * *

(xxxvii) Administer the funds made available to the Office of the Secretary under Title I of Subdivision B, Further Supplemental Appropriations for Disaster Relief Requirements Act, 2018, Public Law 115–123.

(xxxviii) Determine the agricultural commodities acquired under price support programs which are available for export.

* * * * *

(3) *Related to natural resources conservation.* (i) Provide national leadership in the conservation, development and productive use of the Nation's soil, water, and related resources. Such leadership encompasses soil, water, plant, and wildlife conservation; small watershed protection and flood prevention; and resource conservation and development. Integrated in these programs are erosion control, sediment reduction, pollution abatement, land use planning, multiple use, improvement of water quality, and several surveying and monitoring activities related to environmental improvement. All are designed to assure:

(A) Quality in the natural resource base for sustained use;

(B) Quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and

(C) Quality in the standard of living based on community improvement and adequate income.

(ii) Provide national leadership in and evaluate and coordinate land use policy, and administer the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*), including the Farms for the Future Program authorized by sections 1465–1470 of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (7 U.S.C. 4201 note), except as otherwise delegated to the Under Secretary for Research, Education, and Economics in § 2.21(a)(1)(lxii).

(iii) Administer the basic program of soil and water conservation under Public Law 46, 74th Congress, as amended, and related laws (16 U.S.C. 590 a–f, i–l, q, q–1; 42 U.S.C. 3271–3274; 7 U.S.C. 2201), including:

(A) Technical and financial assistance to land users in carrying out locally adapted soil and water conservation programs primarily through soil and water conservation districts in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and Federally recognized Native American tribes, but also to communities, watershed groups, Federal and State agencies, and other cooperators. This authority includes such assistance as:

(1) Comprehensive planning assistance in nonmetropolitan districts;

(2) Assistance in the field of income-producing recreation on rural non-Federal lands;

(3) Forestry assistance, as part of total technical assistance to private land owners and land users when such services are an integral part of land management and such services are not available from a State agency; and forestry services in connection with windbreaks and shelter belts to prevent wind and water erosion of lands;

(4) Assistance in developing programs relating to natural beauty; and

(5) Assistance to other USDA agencies in connection with the administration of their programs, as follows:

(i) To the Farm Service Agency in the development and technical servicing of certain programs, such as the Agricultural Conservation Program and other such similar conservation programs;

(ii) To the Rural Housing Service in connection with their loan and land disposition programs;

(B) Soil Surveys, including:

(1) Providing leadership for the Federal part of the National Cooperative Soil Survey which includes conducting and publishing soil surveys;

(2) Conducting soil surveys for resource planning and development; and

(3) Performing the cartographic services essential to carrying out the functions of the Natural Resources Conservation Service, including furnishing photographs, mosaics, and maps;

(C) Conducting and coordinating snow surveys and making water supply forecasts pursuant to Reorganization Plan No. IV of 1940 (5 U.S.C. App.);

(D) Operating plant materials centers for the assembly and testing of plant

species in conservation programs, including the use, administration, and disposition of lands under the administration of the Natural Resources Conservation Service for such purposes under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011); and

(E) Providing leadership in the inventorying and monitoring of soil, water, land, and related resources of the Nation.

(iv) Administer the Watershed Protection and Flood Prevention Programs, including:

(A) The eleven authorized watershed projects authorized under 33 U.S.C. 702b–1;

(B) The emergency flood control work under 33 U.S.C. 701b–1;

(C) The Cooperative River Basin Surveys and Investigations Programs under 16 U.S.C. 1006;

(D) The pilot watershed projects under 16 U.S.C. 590 a–f and 16 U.S.C. 1001–1009;

(E) The Watershed Protection and Flood Prevention Program under 16 U.S.C. 1001–1010, including rehabilitation of water resource structural measures constructed under certain Department of Agriculture programs under 16 U.S.C. 1012, except for responsibilities assigned to the Assistant to the Secretary for Rural Development.

(F) The joint investigations and surveys with the Department of the Army under 16 U.S.C. 1009; and

(G) The Emergency Conservation Program and the Emergency Watershed Protection Program under sections 401–405 of the Agricultural Credit Act of 1978, 16 U.S.C. 2201–2205, except for the provisions of sections 401 and 402, 16 U.S.C. 2201–2202, as administered by the Under Secretary for Farm Production and Conservation.

(v) Administer the Great Plains Conservation Program and the Critical Lands Resources Conservation Program under 16 U.S.C. 590p(b), 590q and 590q–3.

(vi) Administer the Resource Conservation and Development Program under 16 U.S.C. 590 a–f; 7 U.S.C. 1010–1011; and 16 U.S.C. 3451–3461, except for responsibilities assigned to the Assistant to the Secretary for Rural Development.

(vii) Responsibility for entering into long-term contracts for carrying out conservation and environmental measures in watershed areas.

(viii) Provide national leadership for and administer the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001 *et seq.*).

(ix) Administer the Rural Clean Water Program and other responsibilities assigned under section 35 of the Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*).

(x) Monitor actions and progress of USDA in complying with Executive Order 11988, Flood Plain Management, 3 CFR, 1977 Comp., p. 117, and Executive Order 11990, Protection of Wetlands, 3 CFR, 1977 Comp., p. 121, regarding management of floodplains and protection of wetlands; monitor USDA efforts on protection of important agricultural, forest and rangelands; and provide staff assistance to the USDA Natural Resources and Environment Committee.

(xi) Administer the search and rescue operations authorized under 7 U.S.C. 2273.

(xii) Administer section 202(c) of the Colorado River Basin Salinity Control Act, 43 U.S.C. 1592(c), including:

(A) Identify salt source areas and determine the salt load resulting from irrigation and watershed management practices;

(B) Conduct salinity control studies of irrigated salt source areas;

(C) Provide technical and financial assistance in the implementation of salinity control projects including the development of salinity control plans, technical services for application, and certification of practice applications;

(D) Develop plans for implementing measures that will reduce the salt load of the Colorado River;

(E) Develop and implement long-term monitoring and evaluation plans to measure and report progress and accomplishments in achieving program objectives; and

(F) Enter into and administer contracts with program participants and waive cost-sharing requirements when such cost-sharing requirements would result in a failure to proceed with needed on-farm measures.

(xiii) Except as otherwise delegated, administer natural resources conservation authorities, including authorities related to programs of the Commodity Credit Corporation that provide assistance with respect to natural resources conservation, under Title XII of the Food Security Act of 1985 (the Act), as amended (16 U.S.C. 3801 *et seq.*), including the following:

(A) Technical assistance related to the conservation of highly erodible lands and wetlands pursuant to sections 1211–1223 of the Act (16 U.S.C. 3811–3823).

(B) Technical assistance related to the Conservation Reserve Program authorized by sections 1231–1235A of the Act (16 U.S.C. 3831–3835a).

(C) The Wetlands Reserve Program and the Emergency Wetlands Reserve Program authorized by sections 1237–1237F of the Act (16 U.S.C. 3837–3837f) and the Emergency Supplemental Appropriations for Relief from the Major, Widespread Flooding in the Midwest Act, Public Law 103–75.

(D) The Conservation Security Program authorized by sections 1238–1238C (16 U.S.C. 3838–3838c) and the Conservation Stewardship Program authorized by sections 1238D–1238G (16 U.S.C. 3838d–3838g).

(E) The Farmland Protection Program authorized by sections 1238H–1238I of the Act (16 U.S.C. 3838h–3838i).

(F) The Farm Viability Program authorized by section 1238J of the Act (16 U.S.C. 3838j).

(G) The Environmental Easement Program authorized by sections 1239–1239D of the Act (16 U.S.C. 3839–3839d).

(H) The Environmental Quality Incentives Program authorized by sections 1240–1240I of the Act (16 U.S.C. 3839aa–3839aa–9).

(I) The conservation of private grazing lands authorized by section 1240M of the Act (16 U.S.C. 3839bb).

(J) The Wildlife Habitat Incentives Program authorized by section 1240N of the Act (16 U.S.C. 3839bb–1).

(K) The program for soil erosion and sedimentation control in the Great Lakes basin authorized by section 1240P of the Act (16 U.S.C. 3839bb–3).

(L) The delivery of technical assistance under section 1242 of the Act (16 U.S.C. 3842), including the approval of persons or entities outside of USDA to provide technical services.

(M) The authority for partnerships and cooperation provided by section 1243 of the Act (16 U.S.C. 3843).

(N) The incentives for certain farmers and ranchers and Indian tribes and the protection of certain proprietary information related to natural resources conservation programs as provided by section 1244 of the Act (16 U.S.C. 3844).

(O) The Agriculture Conservation Experienced Services Program authorized by section 1252 of the Act (16 U.S.C. 3851).

(P) The authority under sections 1261–1262 of the Act (16 U.S.C. 3861–3862) to establish and utilize State Technical Committees.

(Q) The Grassland Reserve Program under sections 1238N–1238Q of the Act (16 U.S.C. 3838n–3838q).

(R) The authority in section 1241 of the Act (16 U.S.C. 3841) to accept and use voluntary contributions of non-Federal funds in support of natural resources conservation programs under subtitle D of title XII of the Act with

respect to authorities delegated to the Under Secretary for Farm Production and Conservation.

(S) The Agricultural Conservation Easement Program authorized by sections 1265–1265D of the Act (16 U.S.C. 3865–3865d).

(T) The Regional Conservation Partnership Program authorized by sections 1271–1271F (16 U.S.C. 3871–3871f).

(U) The Voluntary Public Access and Habitat Incentive Program authorized by section 1240R of the Act (16 U.S.C. 3839bb–5).

(V) A wetlands mitigation banking program authorized by section 1222(k) of the Act (16 U.S.C. 3822(k)).

(xiv) Approve and transmit to the Congress comprehensive river basin reports.

(xv) Provide representation on the Water Resources Council and river basin commissions created by 42 U.S.C. 1962, and on river basin interagency committees.

(xvii) Administer the Water Bank Program under the Water Bank Act (16 U.S.C. 1301 *et seq.*).

(xviii) [Reserved]

(xix) Coordinate USDA input and assistance to the Department of Commerce and other Federal agencies consistent with section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456), and coordinate USDA review of qualifying state and local government coastal management plans or programs prepared under such Act and submitted to the Secretary of Commerce, consistent with section 306(a) and (c) of such Act (16 U.S.C. 1455(a) and (c)).

(xx) Administer the Healthy Forests Reserve Program authorized by sections 501–508, Title V of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571–6578).

(xxi) Implement the information disclosure authorities of section 1619(b)(3)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791(b)(3)(A)).

(xxii) In coordination with the Director, Office of Advocacy and Outreach, issue receipts under section 2501A(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1(e)).

(xxiii) Authorize employees of the Natural Resources Conservation Service to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties (7 U.S.C. 2274a).

(xxiv) Conduct activities that assist the Chief Economist in developing guidelines regarding the development of environmental services markets.

(xxv) Administer the Terminal Lakes assistance program authorized by section 2507 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3839bb–6).

* * * * *

(10) Carry out prize competition authorities in section 24 of the Stevenson–Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) related to functions otherwise delegated to the Under Secretary for Farm Production and Conservation, except for authorities delegated to the Chief Financial Officer in § 2.28(a)(29) and authorities reserved to the Secretary in paragraph (b)(4) of this section.

(b) * * *

(2) *Related to natural resources conservation.* Designation of new project areas in which the resource conservation and development program assistance will be provided.

* * * * *

■ 6. Amend § 2.17 by adding paragraph (a)(20)(xiv) to read as follows:

§ 2.17 Assistant to the Secretary for Rural Development.

(a) * * *

(20) * * *

(xiv) Administer the authority under section 746 of Division A of the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), and any successor provisions in subsequent appropriations acts, to issue waivers to the U.S. iron and steel requirements for the construction, alteration, maintenance, or repair of a public water or wastewater system.

* * * * *

§ 2.20 [Amended]

■ 7. Amend § 2.20 by removing and reserving paragraph (a)(3).

§ 2.22 [Amended]

■ 8. Amend § 2.22 by:

■ a. Revising all references to “2.16(a)(3)(x)” to read “2.26(a)(1)(x)”;

■ b. Revising all references to “Under Secretary for Farm and Foreign Agricultural Services” to read “Under Secretary for Trade and Foreign Agricultural Affairs”; and

■ c. Removing and reserving paragraph (a)(1)(viii)(DDD).

■ 9. Add § 2.26 to read as follows:

§ 2.26 Under Secretary for Trade and Foreign Agricultural Affairs.

(a) The following delegations of authority are made by the Secretary of Agriculture to the Under Secretary for Trade and Foreign Agricultural Affairs:

(1) *Related to foreign agriculture.* (i) Coordinate the carrying out by

Department agencies of their functions involving foreign agricultural policies and programs and their operations and activities in foreign areas. Act as liaison on these matters and functions relating to foreign agriculture between the Department of Agriculture and the Department of State, the United States Trade Representative, the Trade Policy Committee, the Agency for International Development, and other departments, agencies, and committees of the U.S. Government, foreign governments, the Organization for Economic Cooperation and Development, the European Union, the Food and Agriculture Organization of the United Nations, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Organization of American States, and other public and private U.S. and international organizations, and the contracting parties to the World Trade Organization (WTO).

(ii) Administer Departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to export marketing operations under section 32 of the Act of August 23, 1935, as amended (7 U.S.C. 612c), delegated to the Under Secretary for Marketing and Regulatory Programs, and utilization research delegated to the Under Secretary for Research, Education, and Economics.

(iii) Conduct studies of worldwide production, trade, marketing, prices, consumption, and other factors affecting exports and imports of U.S. agricultural commodities; obtain information on methods used by other countries to move farm commodities in world trade on a competitive basis for use in the development of programs of this Department; provide information to domestic producers, the agricultural trade, the public and other interests; and promote normal commercial markets abroad. This delegation excludes basic and long-range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to the Under Secretary for Research, Education, and Economics.

(iv) Conduct functions of the Department relating to WTO, the Trade Expansion Act of 1962 (19 U.S.C. 1801 *et seq.*), the Trade Act of 1974 (19 U.S.C. 2101 *et seq.*), the Trade Agreements Act of 1979 (19 U.S.C. 2501 *et seq.*), the Omnibus Trade and Competition Act of 1988 (19 U.S.C. 2901 *et seq.*), the provisions of subtitle B of title III of the North American Free Trade Agreement

Implementation Act, and other legislation affecting international agricultural trade including the programs designed to reduce foreign tariffs and other trade barriers.

(v) Maintain a worldwide agricultural intelligence and reporting system, including provision for foreign agricultural representation abroad to protect and promote U.S. agricultural interests and to acquire information on demand, competition, marketing, and distribution of U.S. agricultural commodities abroad pursuant to title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768).

(vi) Exercise the Department's functions with respect to the International Coffee Agreement or any such future agreement.

(vii) Administer functions of the Department relating to import controls, except those functions reserved to the Secretary in paragraph (b) of this section and those relating to section 8e of the Agricultural Act of 1938 (7 U.S.C. 608e–1), as assigned to the Under Secretary for Marketing and Regulatory Programs. These include:

(A) Functions under section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624);

(B) General note 15(c) to the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202);

(C) Requests for emergency relief from duty-free imports of perishable products filed with the Department of Agriculture under section 213(f) of the Caribbean Basin Recovery Act of 1983 (19 U.S.C. 2703(f));

(D) Section 404 of the Trade and Tariff Act of 1984 (19 U.S.C. 2112 note);

(E) Section 204(d) of the Andean Trade Preference Act (19 U.S.C. 3203(d));

(F) Functions under sections 309 and 316 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358 and 3381);

(G) Section 301(a) of the United States–Canada Free Trade Agreement Implementation Act (19 U.S.C. 2112 note); and

(H) Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

(viii) Conduct Department activities to carry out the provisions of the Export Administration Act of 1979, as amended (50 U.S.C. Chapter 56).

(ix) Exercise the Department's responsibilities in connection with international negotiations of the Grains Trade Convention and in the administration of such Convention.

(x) Plan and carry out programs and activities under the foreign market promotion authority of: The Wheat

Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101–2118); the Potato Research and Promotion Act (7 U.S.C. 2611–2627); the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); the Beef Research and Information Act, as amended (7 U.S.C. 2901–2911); the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401–3417); the Floral Research and Consumer Information Act of 1981 (7 U.S.C. 4301–4319); subtitle B of title I of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 4501–4514); the Honey Research, Promotion, and Consumer Information Act of 1984, as amended (7 U.S.C. 4601–4613); the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819); the Watermelon Research and Promotion Act, as amended (7 U.S.C. 4901–4916); the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001–6013); the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101–6112); the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201–6212); the Soybean Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6301–6311); the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401–6417); the Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Act (7 U.S.C. 6801–6814); the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101–7111); the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425); the Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441–7452); the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461–7473); and, the Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481–7491). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

(xi) Formulate policies and administer barter programs under which agricultural commodities are exported.

(xii) Perform functions of the Department in connection with the development and implementation of agreements to finance the sale and exportation of agricultural commodities under the Food for Peace Act (7 U.S.C. 1691, 1701 *et seq.*).

(xiii) [Reserved]

(xiv) Coordinate within the Department activities arising under the

Food for Peace Act (except as delegated to the Under Secretary for Research, Education, and Economics in § 2.21(a)(8)), and represent the Department in its relationships in such matters with the Department of State, any interagency committee on the Food for Peace Act, and other departments, agencies and committees of the Government.

(xv)–(xvi) [Reserved]

(xvii) Carry out activities relating to the sale, reduction, or cancellation of debt, as authorized by title VI of the Agricultural Trade and Development Act of 1954, as amended (7 U.S.C. 1738 *et seq.*).

(xviii) [Reserved]

(xix) Allocate the agricultural commodities acquired under price support programs that have been determined by the Under Secretary for Farm Production and Conservation or designee to be available for export among the various export programs.

(xx) Conduct economic analyses pertaining to the foreign sugar situation.

(xxi) Exercise the Department's functions with respect to the International Sugar Agreement or any such future agreements.

(xxii) Exercise the Department's responsibilities with respect to tariff-rate quotes for dairy products under chapter 4 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

(xxiii) Serve as a focal point for handling quality or weight discrepancy inquiries from foreign buyers of U.S. agricultural commodities to insure that they are investigated and receive a timely response and that reports thereof are made to appropriate parties and government officials in order that corrective action may be taken.

(xxiv) Establish and administer regulations relating to foreign travel by employees of the Department. Regulations will include, but not be limited to, obtaining and controlling passports, obtaining visas, coordinating Department of State medical clearances and imposing requirements for itineraries and contacting the Foreign Agricultural Affairs Officers upon arrival in the Officers' country(ies) of responsibility.

(xxv) Formulate policies and administer programs and activities authorized by the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5601 *et seq.*).

(xxvi) Administer the Foreign Service personnel system for the Department in accordance with 22 U.S.C. 3922, except as otherwise delegated to the Under Secretary for Marketing and Regulatory Programs in § 2.22(a)(2)(i), but including

authority to approve joint regulations issued by the Department of State and authority to represent the Department of Agriculture in all interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations.

(xxvii) Establish and maintain U.S. Agricultural Trade Offices, to develop, maintain and expand international markets for U.S. agricultural commodities in accordance with title IV of Public Law No. 95–501 (7 U.S.C. 1765a–g).

(xxviii) Administer the programs under section 416(b) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(b)), relating to the foreign donation of CCC stocks of agricultural commodities, except as otherwise delegated in § 2.42(a)(43).

(xxix) Support remote sensing activities of the Department and research with satellite imagery including:

(A) Providing liaison with U.S. space programs;

(B) Providing administrative management of the USDA Remote Sensing Archive and the transfer of satellite imagery to all USDA agencies;

(C) Coordinating all agency satellite imagery data needs; and

(D) Arranging for acquisition, and preparation of imagery for use to the extent of existing capabilities.

(xxx) [Reserved]

(xxxi) Administer programs under the Food for Progress Act of 1985 (7 U.S.C. 1736o), except as otherwise delegated in § 2.42(a)(43).

(xxxii) Serve as Department adviser on policies, organizational arrangements, budgets, and actions to accomplish international scientific and technical cooperation in food and agriculture.

(xxxiii) Administer and direct the Department's programs in international development, technical assistance, and training carried out under the Foreign Assistance Act, as amended, as requested under such act (22 U.S.C. 2151 *et seq.*).

(xxxiv) Administer and coordinate assigned Departmental programs in international research and scientific and technical cooperation with other governmental agencies, land grant universities, international organizations, international agricultural research centers, and other organizations, institutions, or individuals (7 U.S.C. 1624, 3291).

(xxxv) Direct and coordinate the Department's participation in scientific and technical matters and exchange agreements between the United States and other countries.

(xxxvi) Direct and coordinate the Department's work with international organizations and interagency committees concerned with food and agricultural development programs (7 U.S.C. 2201–2202).

(xxxvii) Coordinate policy formulation for USDA international science and technology programs concerning international agricultural research centers, international organizations, and international agricultural research and extension activities (7 U.S.C. 3291).

(xxxviii) Disseminate, upon request, information on subjects connected with agriculture which has been acquired by USDA agencies that may be useful to the U.S. private sector in expanding foreign markets and investment opportunities through the operation of a Department information center, pursuant to 7 U.S.C. 2201.

(xxxix) Enter into contracts, grants, cooperative agreements, and cost reimbursable agreements relating to agricultural research, extension, or teaching activities (7 U.S.C. 3318, 3319a).

(xl) Determine amounts reimbursable for indirect costs under international agricultural programs and agreements (7 U.S.C. 3319).

(xli) Administer the Cochran Fellowship Program (7 U.S.C. 3293).

(xlii) Determine quantity trigger levels and impose additional duties under the special safeguard measures in accordance with U.S. note 2 to subchapter IV of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

(xliii) Implement provisions of the Trade Act of 1974 regarding adjustment assistance for farmers (19 U.S.C. 2401–2401g).

(xliv) Implement section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(xlv) [Reserved]

(xlvi) Implement section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) regarding local and regional food aid procurement projects.

(xlvii) Administer the Borlaug International Agricultural Science and Technology Fellowship Program (7 U.S.C. 3319j).

(xlviii) [Reserved]

(xlix) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(A) Section 12314 relating to the Pima Agriculture Cotton Trust Fund (7 U.S.C. 2101 note), in coordination with the Under Secretary for Farm Production and Conservation.

(B) Section 12315 relating to the Agriculture Wool Apparel Manufacturers Trust Fund (7 U.S.C. 7101 note), in coordination with the Under Secretary for Farm Production and Conservation.

(2) [Reserved]

(3) Administer responsibilities and functions assigned under the Defense Production Act of 1950 (50 U.S.C. App. 2061 *et seq.*), and title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 *et seq.*), concerning foreign agricultural intelligence and other foreign agricultural matters.

(4) Carry out prize competition authorities in section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719) related to functions otherwise delegated to the Under Secretary for Trade and Foreign Agricultural Affairs, except for authorities delegated to the Chief Financial Officer in § 2.28(a)(29) and authorities reserved to the Secretary in paragraph (b)(2) of this section.

(5) *Related to the U.S. Codex Office.*

(i) Inform the public of the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (19 U.S.C. 2578; Pres. Proc. 6780).

(ii) Enter into agreements with organizations, institutions or individuals throughout the world to conduct activities related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission, including international outreach and education, in order to promote and support the development of a viable and sustainable global agricultural system; antihunger and improved international nutrition efforts; and increased quantity, quality, and availability of food (7 U.S.C. 3291).

(iii) Coordinate with institutions and other persons throughout the world performing agricultural and related research, extension, and teaching activities by exchanging research materials and results with such institutions or persons or by conducting with such institutions or persons joint or coordinated research, extension, or teaching activities that are related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission and that address problems of significance to food and agriculture in the United States (7 U.S.C. 3291).

(iv) Work with transitional and more advanced countries in food, agricultural, and related research, development, teaching, and extension activities related to the sanitary and phytosanitary standard-setting activities of the Codex

Alimentarius Commission (7 U.S.C. 3291).

(v) Enter into contracts, grants, cooperative agreements, and cost reimbursable agreements to carry out the Department's agricultural research, extension, or teaching activities related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (7 U.S.C. 3318, 3319a).

(vi) Determine amounts reimbursable for indirect costs under international agricultural programs and agreements (7 U.S.C. 3319).

(vii) Coordinate policy formulation for USDA international science and technology programs concerning the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (7 U.S.C. 3291).

(b) The following authorities are reserved to the Secretary of Agriculture:

(1) *Related to foreign agriculture.* (i) Approving export controls with respect to any agricultural commodity, including fats and oils or animal hides or skins as provided for in the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 *et seq.*).

(ii) Advising the President that imports are having the effect on programs or operations of this Department required as a prerequisite for the imposition of import controls under section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624a), recommending that the President cause an investigation to be made by the Tariff Commission of the facts so that a determination can be made whether import restrictions should be imposed under that Act, and determining under section 204(e) of the Andean Trade Preference Act (19 U.S.C. 3203(e)) that there exists a serious injury, or threat thereof and recommending to the President whether or not to take action.

(iii) Determining the agricultural commodities and the quantities thereof available for disposition under the Food for Peace Act (7 U.S.C. 1731).

(2) Approval of prize competitions that may result in the award of more than \$1,000,000 in cash prizes under section 24(m)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719(m)(4)(B)).

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

■ 10. Amend § 2.31 by revising paragraph (a)(18) and adding paragraphs (a)(19) and (20) to read as follows:

§ 2.31 General Counsel.

(a) * * *

(18) Conduct legal sufficiency reviews and concur before a proposed settlement offer is made to an opposing party for all informal and formal Equal Employment Opportunity (EEO), Office of Special Counsel (OSC), or Merit Systems Protection Board (MSPB) complaints that:

(i) Require a payment of compensatory damages or attorney's fees resulting in costs to the Department totaling \$50,000 or more; or

(ii) Are brought by, or allege discriminatory conduct by, any political appointee; or

(iii) Place any political appointee on a detail outside the Department or on an Intergovernmental Personnel Act (IPA) agreement for one year or more if the Department retains the obligation to pay the employee's salary and benefits during the duration of the detail or IPA agreement.

(19) Review monetary settlement agreements of any dollar amount negotiated by USDA offices or agencies upon request except that legal sufficiency review conducted by and concurrence from the Office of the General Counsel is required prior to execution for all proposed settlement agreements negotiated by USDA offices or agencies totaling \$500,000 or more, including attorney's fees. This required review is in addition to existing delegations of authority and processes for USDA offices' or agencies' processing of settlement agreements. This required review does not apply to:

(i) Settlements pursuant to the Federal Tort Claims Act, which the Office of the General Counsel handles pursuant to paragraph (a)(1) of this section;

(ii) Settlements for personnel matters, which the Office of the General Counsel handles pursuant to paragraph (a)(18) of this section;

(iii) Settlement of contract claims, which contracting officers handle pursuant to the Contract Disputes Act (41 U.S.C. 601 *et seq.*) and Federal Acquisition Regulation (48 CFR parts 1 through 99); or

(iv) Settlement of USDA offices' or agencies' debt collection actions.

(20) Conduct legal sufficiency reviews and concur with all proposed agency contracts or other transactions to retain outside counsel or for the provision of legal services regardless of whether an agency has specific statutory authority to retain outside counsel or legal services. The following services do not require legal sufficiency review and concurrence from the Office of the General Counsel: Contracts for the provision of services in relation to

USDA office's and agencies' Freedom of Information Act activities; contracts for the performance of trademark searches or other trademark or copyright related services; or contracts for the performance of patent prosecution or other related patent services.

* * * * *

Subpart F—Delegations of Authority by the Under Secretary for Farm Production and Conservation

■ 11. The heading for subpart F is revised to read as set forth above.

■ 12. Revise § 2.40 to read as follows:

§ 2.40 Deputy Under Secretary for Farm Production and Conservation.

Pursuant to § 2.16(a), subject to reservations in § 2.16(b), and subject to policy guidance and direction by the Under Secretary, the following delegation of authority is made to the Deputy Under Secretary for Farm Production and Conservation, to be exercised only during the absence or unavailability of the Under Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for Farm Production and Conservation: Provided, that this authority shall be exercised by the respective Deputy Under Secretary in the order in which he or she has taken office as a Deputy Under Secretary.

■ 13. Amend § 2.42 by:

■ a. Revising paragraph (a) introductory text;

■ b. Removing the citation “§ 2.43” and adding in its place the citation “§ 2.601” in paragraph (a)(7);

■ c. Removing the words “Under Secretary for Farm and Foreign Agricultural Services” and adding in their place the words “Under Secretary for Trade and Foreign Agricultural Affairs” in paragraph (a)(11);

■ d. Removing the words “Under Secretary for Farm and Foreign Agricultural Services” and adding in their place the words “Under Secretary for Farm Production and Conservation” in paragraph (a)(45);

■ e. Adding paragraphs (a)(60), (61), and (62); and

■ f. Removing the words “Under Secretary for Farm and Foreign Agricultural Affairs” and adding in their place the words “Under Secretary for Farm Production and Conservation” in paragraph (b) introductory text.

The revisions and additions read as follows:

§ 2.42 Administrator, Farm Service Agency.

(a) *Delegations.* Pursuant to § 2.16(a)(1) and (2) and (a)(6) through

(8), subject to the reservations in § 2.16(b)(1), the following delegations of authority are made by the Under Secretary for Farm Production and Conservation to the Administrator, Farm Service Agency:

* * * * *

(60) Administer the funds made available to the Office of the Secretary under Title I of Subdivision B, Further Supplemental Appropriations for Disaster Relief Requirements Act, 2018, Public Law 115–123.

(61) Administer the Organic Certification Cost Share Programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C)(ii)), and under the Farm Security and Rural Investment Act, as amended by the Agricultural Act of 2014 (7 U.S.C. 6523).

(62) Determine the agricultural commodities acquired under price support programs which are available for export.

* * * * *

■ 14. Revise § 2.43 to read as follows:

§ 2.43 Chief, Natural Resources and Conservation Service.

(a) *Delegations.* Pursuant to § 2.16(a)(3), subject to reservations in § 2.16(b) of this chapter, the following delegations of authority are made by the Under Secretary for Farm Production and Conservation to the Chief of the Natural Resources Conservation Service:

(1) Provide national leadership in the conservation, development and productive use of the Nation's soil, water, and related resources. Such leadership encompasses soil, water, plant, and wildlife conservation; small watershed protection and flood prevention; and resource conservation and development. Integrated in these programs are erosion control, sediment reduction, pollution abatement, land use planning, multiple use, improvement of water quality, and several surveying and monitoring activities related to environmental improvement. All are designed to assure:

(i) Quality in the natural resource base for sustained use;

(ii) Quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and

(iii) Quality in the standard of living based on community improvement and adequate income.

(2) Provide national leadership in evaluating and coordinating land use policy, and administer the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*), including the Farms for the Future Program authorized by sections 1465–

1470 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 4201 note), except as otherwise delegated to the Administrator, Agricultural Research Service in § 2.65(a)(80) and the Director, National Institute of Food and Agriculture in § 2.66(a)(76).

(3) Administer the basic program of soil and water conservation under Public Law No. 46, 74th Congress, as amended, and related laws (16 U.S.C. 590a–f, 1–1, q, q–1; 42 U.S.C. 3271–3274; 7 U.S.C. 2201), including:

(i) Technical and financial assistance to land users in carrying out locally adapted soil and water conservation programs primarily through soil and water conservation districts in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and Federally recognized Native American tribes, but also to communities, watershed groups, Federal and State agencies, and other cooperators. This authority includes such assistance as:

(A) Comprehensive planning assistance in nonmetropolitan districts;

(B) Assistance in the field of income-producing recreation on rural non-Federal lands;

(C) Forestry assistance, as part of total technical assistance to private land owners and land users when such services are an integral part of land management and such services are not available from a State agency; and forestry services in connection with windbreaks and shelter belts to prevent wind and water erosion of lands;

(D) Assistance in developing programs relating to natural beauty; and

(E) Assistance to other USDA agencies in connection with the administration of their programs, as follows:

(1) To the Farm Service Agency in the development and technical servicing of certain programs, such as the Agricultural Conservation Program and other such similar conservation programs;

(2) To the Rural Housing Service in connection with their loan and land disposition programs.

(ii) Soil Surveys, including:

(A) Providing leadership for the Federal part of the National Cooperative Soil Survey which includes conducting and publishing soil surveys;

(B) Conducting soil surveys for resource planning and development; and

(C) Performing the cartographic services essential to carrying out the functions of the Natural Resources Conservation Service, including

furnishing photographs, mosaics, and maps.

(iii) Conducting and coordinating snow surveys and making water supply forecasts pursuant to Reorganization Plan No. IV of 1940 (5 U.S.C. App.);

(iv) Operating plant materials centers for the assembly and testing of plant species in conservation programs, including the use, administration, and disposition of lands under the administration of the Natural Resources Conservation Service for such purposes under title III of the Bankhead–Jones Farm Tenant Act (7 U.S.C. 1010–1011); and

(v) Providing leadership in the inventorying and monitoring of soil, water, land, and related resources of the Nation.

(4) Administer the Watershed Protection and Flood Prevention Programs, including:

(i) The eleven authorized watershed projects authorized under 33 U.S.C. 702b–1, except for responsibilities assigned to the Forest Service;

(ii) The emergency flood control work under 33 U.S.C. 701b–1, except for responsibilities assigned to the Forest Service;

(iii) The Cooperative River Basin Surveys and Investigations Programs under 16 U.S.C. 1006, except for responsibilities assigned to the Forest Service;

(iv) The pilot watershed projects under 16 U.S.C. 590a–f, and 16 U.S.C. 1001–1009, except for responsibilities assigned to the Forest Service;

(v) The Watershed Protection and Flood Prevention Program under 16 U.S.C. 1001–1010, including rehabilitation of water resource structural measures constructed under certain Department of Agriculture programs under 16 U.S.C. 1012, except for responsibilities assigned to the Rural Housing Service and the Forest Service.

(vi) The joint investigations and surveys with the Department of the Army under 16 U.S.C. 1009; and

(vii) The Emergency Conservation Program and the Emergency Watershed Protection Program under sections 401–405 of the Agricultural Credit Act of 1978, 16 U.S.C. 2201–2205, except for the provisions of sections 401 and 402, 16 U.S.C. 2201–2202, as administered by the Farm Service Agency.

(5) Administer the Great Plains Conservation Program and the Critical Lands Resources Conservation Program under 16 U.S.C. 590p(b).

(6) Administer the Resource Conservation and Development Program under 16 U.S.C. 590a–f; 7 U.S.C. 1010–1011; and 16 U.S.C. 3451–3461, except

for responsibilities assigned to the Rural Utilities Service.

(7) Responsibility for entering into long-term contracts for carrying out conservation and environmental measures in watershed areas.

(8) Provide national leadership for and administer the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001 *et seq.*), except for responsibilities assigned to other USDA agencies.

(9) Administer Rural Clean Water Program and other responsibilities assigned under section 35 of the Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*).

(10) Monitor actions and progress of USDA in complying with Executive Order 11988, Flood Plain Management, 3 CFR, 1977 Comp., p. 117, and Executive Order 11990, Protection of Wetlands, 3 CFR, 1977 Comp., p. 121, regarding management of floodplains and protection of wetlands; monitor USDA efforts on protection of important agricultural, forest and rangelands; and provide staff assistance to the USDA Natural Resources and Environment Committee.

(11) Administer the search and rescue operations authorized under 7 U.S.C. 2273.

(12) Administer section 202(c) of the Colorado River Basin Salinity Control Act, 43 U.S.C. 1592(c) including:

(i) Identify salt source areas and determine the salt load resulting from irrigation and watershed management practices;

(ii) Conduct salinity control studies of irrigated salt source areas;

(iii) Provide technical and financial assistance in the implementation of salinity control projects including the development of salinity control plans, technical services for application, and certification of practice applications;

(iv) Develop plans for implementing measures that will reduce the salt load of the Colorado River;

(v) Develop and implement long-term monitoring and evaluation plans to measure and report progress and accomplishments in achieving program objectives; and

(vi) Enter into and administer contracts with program participants and waive cost-sharing requirements when such cost-sharing requirements would result in a failure to proceed with needed on-farm measures.

(13) Administer natural resources conservation authorities, including authorities related to programs of the Commodity Credit Corporation that provide assistance with respect to natural resources conservation, under Title XII of the Food Security Act of

1985 (the Act), as amended (16 U.S.C. 3801 *et seq.*), including the following:

(i) Technical assistance related to the conservation of highly erodible lands and wetlands pursuant to sections 1211–1223 of the Act (16 U.S.C. 3811–3823);

(ii) Technical assistance related to the Conservation Reserve Program authorized by sections 1231–1235A of the Act (16 U.S.C. 3831–3835a);

(iii) The Wetlands Reserve Program and the Emergency Wetlands Reserve Program authorized by sections 1237–1237F of the Act (16 U.S.C. 3837–3837f) and the Emergency Supplemental Appropriations for Relief from the Major, Widespread Flooding in the Midwest Act, Public Law 103–75;

(iv) The Conservation Security Program authorized by sections 1238–1238C (16 U.S.C. 3838–3838c) and the Conservation Stewardship Program authorized by sections 1238D–1238G (16 U.S.C. 3838d–3838g).

(v) The Farmland Protection Program authorized by sections 1238H–1238I of the Act (16 U.S.C. 3838h–3838i);

(vi) The Farm Viability Program authorized by section 1238J of the Act (16 U.S.C. 3838j);

(vii) The Environmental Easement Program authorized by sections 1239–1239D of the Act (16 U.S.C. 3839–3839d);

(viii) The Environmental Quality Incentives Program authorized by sections 1240–1240I of the Act (16 U.S.C. 3839aa–3839aa–9);

(ix) The conservation of private grazing lands authorized by section 1240M of the Act (16 U.S.C. 3839bb);

(x) The Wildlife Habitat Incentives Program authorized by section 1240N of the Act (16 U.S.C. 3839bb–1);

(xi) The program for soil erosion and sedimentation control in the Great Lakes basin authorized by section 1240P of the Act (16 U.S.C. 3839bb–3);

(xii) The delivery of technical assistance under section 1242 of the Act (16 U.S.C. 3842), including the approval of persons or entities outside of USDA to provide technical services;

(xiii) The authority for partnerships and cooperation provided by section 1243 of the Act (16 U.S.C. 3843); and

(xiv) The incentives for certain farmers and ranchers and Indian tribes and the protection of certain proprietary information related to natural resources conservation programs as provided by section 1244 of the Act (16 U.S.C. 3844), except for responsibilities assigned to the Administrator, Farm Service Agency.

(xv) The Agriculture Conservation Experienced Services Program

authorized by section 1252 of the Act (16 U.S.C. 3851).

(xvi) The authority under sections 1261–1262 of the Act (16 U.S.C. 3861–3862) to establish and utilize State Technical Committees.

(xvii) Those portions of the Grassland Reserve Program under sections 1238N–1238Q of the Act (16 U.S.C. 3838n–3838q) that are or become the responsibility of the Under Secretary for Farm Production and Conservation.

(xviii) The authority in section 1241 of the Act (16 U.S.C. 3841) to accept and use voluntary contributions of non-Federal funds in support of natural resources conservation programs under subtitle D of title XII of the Act with respect to authorities delegated to the Chief, Natural Resources Conservation Service.

(xix) The Agricultural Conservation Easement Program authorized by sections 1265–1265D of the Act (16 U.S.C. 3865–3865d).

(xx) The Regional Conservation Partnership Program authorized by sections 1271–1271F (16 U.S.C. 3871–3871f).

(xxi) The Voluntary Public Access and Habitat Incentive Program authorized by section 1240R of the Act (16 U.S.C. 3839bb–5).

(xxii) A wetlands mitigation banking program authorized by section 1222(k) of the Act (16 U.S.C. 3822(k)).

(14) Approve and transmit to the Congress comprehensive river basin reports.

(15) Provide representation on the Water Resources Council and river basin commissions created by 42 U.S.C. 1962, and on river basin interagency committees.

(16) [Reserved]

(17) Administer the Water Bank Program under the Water Bank Act (16 U.S.C. 1301 *et seq.*).

(18) Administer the agricultural management assistance provisions of section 524(b) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524(b)), except for responsibilities assigned to the Administrator, Risk Management Agency, and to the Administrator, Farm Service Agency.

(19) Administer the Healthy Forests Reserve Program authorized by sections 501–508, Title V of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571–6578).

(20) Coordinate USDA input and assistance to the Department of Commerce and other Federal agencies consistent with section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456), and coordinate USDA review of qualifying state and local government coastal management plans

or programs prepared under such Act and submitted to the Secretary of Commerce, consistent with section 306(a) and (c) of such Act (16 U.S.C. 1455(a) and (c)).

(21) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 *et seq.*), relating to agricultural lands and water.

(22) Administer the Abandoned Mine Reclamation Program for Rural Lands and other responsibilities assigned under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*), except for responsibilities assigned to the Forest Service.

(23) With respect to land and facilities under his or her authority, to exercise the functions delegated to the Secretary by Executive Order 12580, 3 CFR, 1987 Comp., p. 193, under the following provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act"), as amended:

(i) Sections 104(a), (b), and (c)(4) of the Act (42 U.S.C. 9604(a), (b), and (c)(4)), with respect to removal and remedial actions in the event of release or threatened release of a hazardous substance, pollutant, or contaminant into the environment;

(ii) Sections 104(e)–(h) of the Act (42 U.S.C. 9604 (e)–(h)), with respect to information gathering and access requests and orders; compliance with Federal health and safety standards and wage and labor standards applicable to covered work; and emergency procurement powers;

(iii) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure to significant risk to human health;

(iv) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action;

(v) The first two sentences of section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release;

(vi) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts, but excluding that portion of section 105(f) of the Act pertaining to the annual report to Congress;

(vii) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations of section 122 of the Act (42 U.S.C. 9622) and the

granting of awards to individuals providing information;

(viii) Section 111(f) of the Act (42 U.S.C. 9611(f)), with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund;

(ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action and identifying and notifying potentially responsible parties;

(x) Section 116(a) of the Act (42 U.S.C. 9616(a)), with respect to preliminary assessment and site inspection of facilities;

(xi) Section 117(a) and (c) of the Act (42 U.S.C. 9617(a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement action, including any settlement or consent decree entered into;

(xii) Section 119 of the Act (42 U.S.C. 9619), with respect to indemnifying response action contractors;

(xiii) Section 121 of the Act (42 U.S.C. 9621), with respect to cleanup standards; and

(xiv) Section 122 of the Act (42 U.S.C. 9622), with respect to settlement, but excluding section 122(b)(1) of the Act (42 U.S.C. 9633(b)(1)), related to mixed funding agreements.

(24) With respect to facilities and activities under his or her authority, to exercise the authority of the Secretary of Agriculture pursuant to section 1–102 related to compliance with applicable pollution control standards and section 1–601 of Executive Order 12088, 3 CFR, 1978 Comp., p. 243, to enter into an inter-agency agreement with the United States Environmental Protection Agency, or an administrative consent order or a consent judgment in an appropriate United States District Court with an appropriate State, interstate, or local agency, containing a plan and schedule to achieve and maintain compliance with applicable pollution control standards established pursuant to the following:

(i) Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, the Hazardous and Solid Waste Amendments, and the Federal Facility Compliance Act (42 U.S.C. 6901 *et seq.*);

(ii) Federal Water Pollution Prevention and Control Act, as amended (33 U.S.C. 1251 *et seq.*);

(iii) Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*);

(iv) Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*);

(v) Noise Control Act of 1972, as amended (42 U.S.C. 4901 *et seq.*);

(vi) Toxic Substances Control Act, as amended, (15 U.S.C. 2601 *et seq.*);

(vii) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*); and

(viii) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 *et seq.*).

(25) Administer the following provisions of the Farm Security and Rural Investment Act of 2002 with respect to functions otherwise delegated to the Chief, Natural Resources Conservation Service:

(i) The equitable relief provisions of section 1613 (7 U.S.C. 7996); and

(ii) The tracking of benefits under section 1614 (7 U.S.C. 7997).

(26) Implement the information disclosure authorities of section 1619(b)(3)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791(b)(3)(A)).

(27) In coordination with the Director, Office of Advocacy and Outreach, issue receipts under section 2501A(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1(e)).

(28) Authorize employees of the Natural Resources Conservation Service to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties (7 U.S.C. 2274a).

(29) Conduct activities that assist the Director, Office of Environmental Markets, in developing guidelines regarding the development of environmental services markets.

(30) Administer the Terminal Lakes assistance program authorized by section 2507 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3839bb–6).

(b) *Reservations.* The following authorities are reserved to the Under Secretary for Farm Production and Conservation:

(1) Executing cooperative agreements and memoranda of understanding for multi-agency cooperation with conservation districts and other districts organized for soil and water conservation within States, territories, possessions, and American Indian Nations.

(2) Approving additions to authorized Resource Conservation and Development Projects that designate new project areas in which resource conservation and development program assistance will be provided, and withdrawing authorization for assistance, pursuant to 16 U.S.C. 590a–

f; 7 U.S.C. 1010–1011; 16 U.S.C. 3451–3461.

(3) Giving final approval to and transmitting to the Congress watershed work plans that require congressional approval.

§ 2.44 [Amended]

■ 15. Amend § 2.44 in paragraph (a) introductory text by removing the words “Under Secretary for Farm and Foreign Agricultural Services” and adding in their place the words “Under Secretary for Farm Production and Conservation”.

Subpart G—Delegations of Authority by the Assistant to the Secretary for Rural Development

■ 16. The heading for subpart G is revised to read as set forth above.

§ 2.45 [Removed and Reserved]

■ 17. Remove and reserve § 2.45.

■ 18. Amend § 2.47 by adding paragraph (a)(19) to read as follows:

§ 2.47 Administrator, Rural Utilities Service.

(a) * * *

(19) Administer the authority under Sec. 746 of Division A of the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), and any successor provisions in subsequent appropriations acts, to issue waivers to the U.S. iron and steel requirements for the construction, alteration, maintenance, or repair of a public water or wastewater system.

* * * * *

Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

§ 2.61 [Removed and Reserved]

■ 19. Remove and reserve § 2.61.

Subpart N—Delegations of Authority by the Under Secretary for Marketing and Regulatory Programs

§ 2.79 [Amended]

■ 20. Amend § 2.79 by removing and reserving paragraph (a)(8)(lxiv).

■ 21. Add Subpart U, consisting of §§ 2.600 through 2.602, to read as follows:

Subpart U—Delegations of Authority by the Under Secretary for Trade and Foreign Agricultural Affairs

Sec.

2.600 Deputy Under Secretary for Trade and Foreign Agricultural Affairs.

2.601 Administrator, Foreign Agricultural Service.

2.602 Manager, U.S. Codex Office.

§ 2.600 Deputy Under Secretary for Trade and Foreign Agricultural Affairs.

Pursuant to § 2.26(a), subject to reservations in § 2.26(b), and subject to policy guidance and direction by the Under Secretary, the following delegation of authority is made to the Deputy Under Secretary for Trade and Foreign Agricultural Affairs, if appointed, to be exercised only during the absence or unavailability of the Under Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for Trade and Foreign Agricultural Affairs: Provided, that this authority shall be exercised by the respective Deputy Under Secretary in the order in which he or she has taken office as a Deputy Under Secretary.

§ 2.601 Administrator, Foreign Agricultural Service.

(a) *Delegations.* Pursuant to § 2.26(a)(1) and (3), subject to reservations in § 2.26(b), the following delegations of authority are made by the Under Secretary for Trade and Foreign Agricultural Affairs to the Administrator, Foreign Agricultural Service:

(1) Coordinate the carrying out by Department agencies of their functions involving foreign agriculture policies and programs and their operations and activities in foreign areas. Act as liaison on these matters and functions relating to foreign agriculture between the Department of Agriculture and the Department of State, the United States Trade Representative, the Trade Policy Committee, the Agency for International Development and other departments, agencies and committees of the U.S. Government, foreign governments, the Organization for Economic Cooperation and Development, the European Union, the Food and Agriculture Organization of the United Nations, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Organization of American States, and other public and private United States and international organizations, and the contracting parties to the World Trade Organization (WTO).

(2) Conduct functions of the Department relating to WTO, the Trade Expansion Act of 1962 (19 U.S.C. 1801 *et seq.*), the Trade Act of 1974 (19 U.S.C. 2101 *et seq.*), the Trade Agreements Act of 1979 (19 U.S.C. 2501 *et seq.*), the Omnibus Trade and Competition Act of 1988 (19 U.S.C. 2901 *et seq.*), the provisions of subtitle B of title III of the North American Free Trade Agreement Implementation Act (except the

provisions concerning the end-use certificate system authorized pursuant to section 321(f) of that Act (19 U.S.C. 3391(f)) delegated to the Administrator, Farm Service Agency), and other legislation affecting international agricultural trade including the programs designed to reduce foreign tariffs and other trade barriers.

(3) Conduct studies of worldwide production, trade, marketing, prices, consumption, and other factors affecting exports and imports of U.S. agricultural commodities; obtain information on methods used by other countries to move farm commodities in world trade on a competitive basis for use in the development of programs of this Department; provide information to domestic producers, the agricultural trade, the public and other interests; and promote normal commercial markets abroad. This delegation excludes basic and long-range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to the Under Secretary for Research, Education, and Economics.

(4) Administer Departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to export marketing operations under section 32, of the Act of August 23, 1935, as amended (7 U.S.C. 612c), delegated to the Under Secretary for Marketing and Regulatory Programs, and utilization research delegated to the Under Secretary for Research, Education, and Economics.

(5) Exercise the Department's functions with respect to the International Coffee Agreement or any such future agreement.

(6) Administer functions of the Department relating to import controls including, among others, functions under section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), and section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) but not including those functions reserved to the Secretary under § 2.16(b)(2) and those relating to section 8e of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 608e–1), as assigned to the Under Secretary for Marketing and Regulatory Programs.

(7) Conduct Department activities to carry out the provisions of the Export Administration Act of 1979, as amended (50 U.S.C. Chapter 56).

(8) Exercise the Department's responsibilities in connection with international negotiations of the Grains Trade Convention and in the administration of such Convention.

(9) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 *et seq.*), concerning foreign agricultural intelligence and other foreign agricultural matters.

(10) Conduct economic analyses pertaining to the foreign sugar situation.

(11) Exercise the Department's functions with respect to the International Sugar Agreement or any such future agreements.

(12) Exercise the Department's responsibilities with respect to tariff-rate quotes for dairy products under chapter 4 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

(13) Serve as a focal point for handling quality or weight discrepancy inquiries from foreign buyers of U.S. agricultural commodities to insure that they are investigated and receive a timely response and that reports thereof are made to appropriate parties and government officials in order that corrective action may be taken.

(14) Formulate policies and administer programs and activities authorized by the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5601 *et seq.*).

(15) Formulate policies and administer barter programs under which agricultural commodities are exported.

(16) Perform functions of the Department in connection with the development and implementation of agreements to finance the sale and exportation of agricultural commodities on long-term credit or for foreign currencies under the Food for Peace Act (7 U.S.C. 1691, 1701 *et seq.*).

(17) Coordinate within the Department activities arising under the Food for Peace Act (except as delegated to the Under Secretary for Research, Education, and Economics in § 2.21(a)(8)), and represent the Department in its relationships in such matters with the Department of State, any interagency committee on the Food for Peace Act, and other departments, agencies, and committees of the Government.

(18)–(19) [Reserved]

(20) Carry out activities relating to the sale, reduction, or cancellation of debt, as authorized by title VI of the Agricultural Trade and Development

Act of 1954, as amended (7 U.S.C. 1738 *et seq.*).

(21) [Reserved]

(22) Allocate the agricultural commodities acquired under price support programs that have been determined by the FSA Administrator to be available for export among the various export programs.

(23) Maintain a worldwide agricultural intelligence and reporting system, including provision for foreign agricultural representation abroad to protect and promote U.S. agricultural interests and to acquire information on demand, competition, marketing, and distribution of U.S. agricultural commodities abroad pursuant to title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768).

(24) Plan and carry out programs and activities under the foreign market promotion authority of: The Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101–2118); the Potato Research and Promotion Act (7 U.S.C. 2611–2627); the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); the Beef Research and Information Act, as amended (7 U.S.C. 2901–2911); the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401–3417); the Floral Research and Consumer Information Act of 1981 (7 U.S.C. 4301–4319); subtitle B of title I of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 4501–4514); the Honey Research, Promotion, and Consumer Information Act of 1984, as amended (7 U.S.C. 4601–4613); the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819); the Watermelon Research and Promotion Act, as amended (7 U.S.C. 4901–4916); the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001–6013); the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101–6112); the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201–6212); the Soybean Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6301–6311); the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401–6417); the Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Act (7 U.S.C. 6801–6814); the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101–7111); the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425); the Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441–7452); the National Kiwifruit Research, Promotion, and Consumer

Information Act (7 U.S.C. 7461–7473); and, the Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481–7491). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

(25) Establish and administer regulations relating to foreign travel by employees of the Department. Regulations will include, but not be limited to, obtaining and controlling passports, obtaining visas, coordinating Department of State medical clearances and imposing requirements for itineraries and contacting the Foreign Agricultural Affairs Officers upon arrival in the Officers' country(ies) of responsibility.

(26) Administer the Foreign Service personnel system for the Department in accordance with 22 U.S.C. 3922, except as otherwise delegated in § 2.80(a)(1), but including authority to represent the Department of Agriculture in all interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations and authority to approve joint regulations issued by the Department of State relating to the administration of the Foreign Service.

(27) Establish and maintain U.S. Agricultural Trade Offices to develop, maintain and expand international markets for U.S. agricultural commodities in accordance with title IV of Public Law No. 95–501 (7 U.S.C. 1765a–g).

(28) Administer the programs under section 416(b) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(b)), relating to the foreign donation of CCC stocks of agricultural commodities, except as otherwise delegated in § 2.42(a)(43).

(29)–(30) [Reserved]

(31) Administer programs under the Food for Progress Act of 1985 (7 U.S.C. 1736o), except as otherwise delegated in § 2.42(a)(43).

(32) Serve as Department adviser on policies, organizational arrangements, budgets, and actions to accomplish international scientific and technical cooperation in food and agriculture.

(33) Administer and direct the Department's programs in international development, technical assistance, and training carried out under the Foreign Assistance Act, as amended, as requested under such act (22 U.S.C. 2151 *et seq.*).

(34) Administer and coordinate assigned Departmental programs in international research and scientific and

technical cooperation with other governmental agencies, land grant universities, international organizations, international agricultural research centers, and other organizations, institutions, or individuals (7 U.S.C. 1624, 3291).

(35) Direct and coordinate the Department's participation in scientific and technical matters and exchange agreements between the United States and other countries.

(36) Direct and coordinate the Department's work with international organizations and interagency committees concerned with food and agricultural development programs (7 U.S.C. 2201 and 2202).

(37) Coordinate policy formulation for USDA international science and technology programs concerning international agricultural research centers, international organizations, and international agricultural research and extension activities (7 U.S.C. 3291).

(38) Disseminate, upon request, information on subjects connected with agriculture which has been acquired by USDA agencies that may be useful to the U.S. private sector in expanding foreign markets and investment opportunities through the operation of a Department information center, pursuant to 7 U.S.C. 2201.

(39) Enter into contracts, grants, cooperative agreements, and cost reimbursable agreements relating to agricultural research, extension, or teaching activities (7 U.S.C. 3318, 3319a).

(40) Determine amounts reimbursable for indirect costs under international agricultural programs and agreements (7 U.S.C. 3319).

(41) Administer the Cochran Fellowship Program (7 U.S.C. 3293).

(42) Determine quantity trigger levels and impose additional duties under the special safeguard measures in accordance with U.S. note 2 to subchapter IV of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

(43) Implement provisions of the Trade Act of 1974 regarding adjustment assistance for farmers. (19 U.S.C. 2401–2401g).

(44) Implement section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(45) Support remote sensing activities of the Department and research with satellite imagery including:

(i) Providing liaison with U.S. space programs;

(ii) Providing administrative management of the USDA Remote Sensing Archive and the transfer of satellite imagery to all USDA agencies;

(iii) Coordinating all agency satellite imagery data needs; and

(iv) Arranging for acquisition, and preparation of imagery for use to the extent of existing capabilities.

(46) [Reserved]

(47) Implement section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) regarding local and regional food aid procurement projects.

(48) Administer the Borlaug International Agricultural Science and Technology Fellowship Program (7 U.S.C. 3319j).

(49) [Reserved]

(50) Administer the following provisions of the Agricultural Act of 2014, Public Law 113–79:

(i) Section 12314 relating to the Pima Agriculture Cotton Trust Fund (7 U.S.C. 2101 note), in coordination with the Administrator, Farm Service Agency.

(ii) Section 12315 relating to the Agriculture Wool Apparel Manufacturers Trust Fund (7 U.S.C. 7101 note), in coordination with the Administrator, Farm Service Agency.

(b) [Reserved]

§ 2.602 Manager, U.S. Codex Office.

(a) *Delegations.* Pursuant to § 2.26(a)(5), subject to reservations in § 2.26(b), the following delegations of authority are made by the Under Secretary for Trade and Foreign Agricultural Affairs.

(i) Inform the public of the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (19 U.S.C. 2578; Pres. Proc. 6780).

(ii) Enter into agreements with organizations, institutions or individuals throughout the world to conduct activities related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission, including international outreach and education, in order to promote and support the development of a viable and sustainable global agricultural system; antihunger and improved international nutrition efforts; and increased quantity, quality, and availability of food (7 U.S.C. 3291).

(iii) Coordinate with institutions and other persons throughout the world performing agricultural and related research, extension, and teaching activities by exchanging research materials and results with such institutions or persons or by conducting with such institutions or persons joint or coordinated research, extension, or teaching activities that are related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission and that

address problems of significance to food and agriculture in the United States (7 U.S.C. 3291).

(iv) Work with transitional and more advanced countries in food, agricultural, and related research, development, teaching, and extension activities related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (7 U.S.C. 3291).

(v) Enter into contracts, grants, cooperative agreements, and cost reimbursable agreements to carry out the Department's agricultural research, extension, or teaching activities related to the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (7 U.S.C. 3318, 3319a).

(vi) Determine amounts reimbursable for indirect costs under international agricultural programs and agreements (7 U.S.C. 3319).

(vii) Coordinate policy formulation for USDA international science and technology programs concerning the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (7 U.S.C. 3291).

(b) [Reserved]

PART 1409—[REMOVED AND RESERVED]

■ 22. Remove and reserve part 1409.

Dated: May 7, 2018.

Sonny Perdue,
Secretary of Agriculture.

[FR Doc. 2018–10133 Filed 5–11–18; 8:45 am]

BILLING CODE 3410–90–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 232 and 249

[Release Nos. 33–10486; 34–83097; IC–33077]

RIN 3235–AM37

Amendments to Forms and Schedules To Remove Provision of Certain Personally Identifiable Information

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: We are adopting revisions to forms filed under the Securities Exchange Act of 1934 (“Exchange Act”) to eliminate the portion of those forms that requests filers to furnish certain personally identifiable information (“PII”) of natural persons, including Social Security numbers.

DATES: Effective May 14, 2018. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of May 14, 2018.

FOR FURTHER INFORMATION CONTACT:

With regard to the amendments to Form Funding Portal and Schedule A to Form MSD, Timothy White, Senior Special Counsel, and Brice Prince, Special Counsel, at (202) 551-5550, Division of Trading and Markets, and with regard to the amendments to Form MA and Form MA-I and Instructions for the Form MA Series, Rebecca J. Olsen, Acting Director, or Ahmed A. Abonamah, Senior Counsel to the Director, at (202) 551-5680, Office of Municipal Securities, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: We are adopting amendments to Form Funding Portal,¹ Form MSD,² Form MA,³ Form MA-I,⁴ and Instructions for the Form MA Series⁵ under the Exchange Act.⁶ We are also adopting an updated EDGAR Filer Manual Volume II (Version 46) (“EDGAR Filer Manual”) to make conforming technical changes with regard to the instructions to filing Form Funding Portal, Form MA and Form MA-I on EDGAR.⁷

I. Discussion

Commission rules and regulations require the filing of information by natural persons, as well as by corporate and other entities. We are amending certain forms that request filers to provide certain sensitive PII of natural persons, including Social Security numbers.⁸ The amended forms will no

longer include any reference to such PII and will no longer request such PII. We have determined that the Commission can achieve its regulatory objectives without the sensitive PII that will no longer be requested on these forms.

Specifically, the amendments being adopted today would make the following changes to Commission forms:

- *Form Funding Portal:* Remove references to Social Security number and date of birth from Schedule A, Schedule B and General Instruction 1.
- *Form MA:* Remove references to Social Security number from Item 1.C.(2), Item 7.(b) of Schedule A and the chart in Schedule A-2, Item 8.(b) of Schedule B and the chart in Schedule B-2, the chart in Schedule A-2 in Item 4 of Schedule C, and the chart in Schedule B-2 of Item 5 of Schedule C; remove references to date of birth from Item 7.(b) of Schedule A and the chart in Schedule A-2, Item 8.(b) of Schedule B and the chart in Schedule B-2, the chart in Schedule A-2 in Item 4 of Schedule C, and the chart in Schedule B-2 of Item 5 of Schedule C; and remove references to foreign identity number from Item 7.(b) of Schedule A and the chart in Schedule A-2, Item 8.(b) of Schedule B and the chart in Schedule B-2, the chart in Schedule A-2 in Item 4 of Schedule C, and the chart in Schedule B-2 of Item 5 of Schedule C.
- *Form MA-I:* Remove references to Social Security number from Item 1.A.
- *Instructions for the Form MA Series:* Remove references to Social Security number from Section 1 of the Specific Instructions for Certain Items in Form MA-I.
- *Form MSD:* Remove references to date of birth and place of birth from Item III of Schedule A.

We are also revising the EDGAR Filer Manual to provide instructions to filers for submitting Form Funding Portal, Form MA and Form MA-I without the information that we are removing from the forms in a manner that will permit the EDGAR system to accept the submission.⁹

II. Economic Analysis

Under the final amendments, the Commission will no longer request or reference certain sensitive PII in Forms Funding Portal, MA, MA-I, MSD, and Instructions for the Form MA Series. Under the amendments being adopted, filers will not be required to obtain or

disseminate to the public only after such PII is redacted.

⁹ As EDGAR programming is changed in subsequent EDGAR Releases to reflect the removal of this information from the forms, we will make additional conforming changes to the EDGAR Filer Manual.

provide information in lieu of providing a Social Security number, foreign identity number, or date or place of birth.

We are mindful of the costs and benefits of the final amendments. Currently, filers may provide certain sensitive PII, such as Social Security numbers and dates of birth, in Forms Funding Portal, MA, MA-I, and MSD submitted to the Commission. Based on staff analysis of EDGAR filings made during the 2017 calendar year, we estimate that, in total, there were approximately 634 filings by 391 filers of Form MA and amendments to it; 2,695 filings by 435 filers of Form MA-I and amendments to it; 20 filings by 9 filers of Form MSD; and 52 filings by 29 filers of Form Funding Portal and amendments to it (including filings that were filed but not publicly disseminated, there were approximately 106 filings by 71 filers of Form Funding Portal and amendments to it).¹⁰

The collection of sensitive PII, such as Social Security numbers, can result in costs to filers. For example, in the event of unauthorized access or release of certain sensitive PII, filers may face costs related to ongoing identity protection and monitoring, as well as reputational costs, operational costs, and losses from theft in the event misappropriated PII is used by bad actors.

At the same time, the collection and storage of PII may facilitate regulatory oversight of filers, including certain Commission enforcement and examination functions, as well as the unique identification of natural person filers and their associated persons.¹¹ The Commission is cognizant of both the risks and benefits of collecting sensitive PII in the forms being amended, and it has determined that other information in these forms is sufficient to achieve its regulatory objectives, including its enforcement and examination functions, without the

¹⁰ These estimates exclude filings of registration withdrawal forms.

¹¹ We note that Form MSD is also filed with certain federal bank regulatory agencies, which also receive Form MSD-4 filings containing information about natural persons who are, or who seek to be, associated with a bank municipal securities dealer as a municipal securities principal or municipal securities representative. The federal bank regulatory agencies jointly adopted Form MSD-4 (Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer) to collect information on natural persons associated with bank municipal securities dealers as required by Rule G-7 (Information Concerning Associated Persons) of the Municipal Securities Rulemaking Board (“MSRB”) in 1977. See 42 FR 45289 (Sept. 9, 1977).

¹ 17 CFR 249.2000.

² 17 CFR 249.1100.

³ 17 CFR 249.1300.

⁴ 17 CFR 249.1310.

⁵ 78 FR 67476.

⁶ 15 U.S.C. 78a et seq.

⁷ The EDGAR Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. We originally adopted the EDGAR Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33-6986 (April 1, 1993) [58 FR 18638]. Filers must comply with the applicable provisions of the EDGAR Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format. See Rule 301 of Regulation S-T (17 CFR 232.301). Filers may consult the EDGAR Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission. We adopted the most recent update to the EDGAR Filer Manual on March 8, 2018. See Release No. 33-10467 (March 8, 2018) [84 FR 11637]. For additional history of EDGAR Filer Manual revisions, please see the citations therein. The updated manual will be incorporated by reference into the Code of Federal Regulations.

⁸ The forms the Commission is amending today are either not disseminated to the public or are

sensitive PII that filers may provide on these forms.

We do not believe that the final amendments will substantially impact efficiency, competition, or capital formation. Since the forms being amended are either not publicly disseminated, or are disseminated to the public in redacted form, the amendments do not affect the information made available to the public. As such, we do not expect the final amendments to impact informational efficiency. To the extent that potential registrants may be concerned about the risks of unauthorized access to the PII that is the subject of the amendments, the amendments eliminate such risks and may reduce the anticipated cost of Commission filing requirements. To the extent these changes could incentivize additional participants to register as crowdfunding portals, municipal advisors, and municipal securities dealers, we believe the likely effects on competition, allocative efficiency, and capital formation to be marginal.

III. Procedural and Other Matters

The Administrative Procedure Act (“APA”) generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency “for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.”¹² Since the amendments to the forms to delete the provision of certain PII do not impact the information available to the public or otherwise meaningfully impact the Commission’s regulatory functions, we find that it is unnecessary to publish notice of the amendments in the **Federal Register** and solicit public comment thereon.¹³

For similar reasons, although the APA generally requires publication of a rule at least 30 days before its effective date, we find there is good cause for the amendments to take effect on May 14, 2018.¹⁴

If any of the provisions of these amendments, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

IV. Paperwork Reduction Act

We do not believe the amendments appreciably alter any existing collection of information requirements or impose any new substantive recordkeeping or information collection requirements within the meaning of the Paperwork Reduction Act of 1995 (“PRA”).¹⁵ Accordingly, we are not revising any burden and cost estimates in connection with these amendments.

V. Statutory Authority

The amendments contained in this release are being adopted under the authority set forth in Sections 15, 15B(a), 17(a), and 23(a) of the Exchange Act.

List of Subjects

17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

Text of the Final Amendments

For the reasons set out in the preamble, the Commission is amending Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 232—REGULATION S—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The

requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: “General Information,” Version 30 (March 2018). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 46 (April 2018). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: “N–SAR Supplement,” Version 6 (January 2017). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for website viewing and printing; the address for the Filer Manual is <https://www.sec.gov/info/edgar/edmanuals.htm>. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 3. The authority citation for part 249 continues to read as follows:

Authority: 15 U.S.C. 78a *et seq.* and 7201 *et seq.*; 12 U.S.C. 5461 *et seq.*; 18 U.S.C. 1350; Sec. 953(b), Pub. L. 111–203, 124 Stat. 1904; Sec. 102(a)(3), Pub. L. 112–106, 126 Stat. 309 (2012); Sec. 107, Pub. L. 112–106, 126 Stat. 313 (2012), and Sec. 72001, Pub. L. 114–94, 129 Stat. 1312 (2015), unless otherwise noted.

■ 4. Amend Form Funding Portal (referenced in Section 249.2000) by:

■ a. Removing from Schedule A and Schedule B “(If None: S.S. No. and Date of Birth, IRS Tax No., or IRS Employer ID No.)” and replacing it with “(If None: IRS Tax No. or IRS Employer ID No., if applicable, or if none, enter 0000000)”; and

■ b. Removing references to “social security number” and “date of birth” from the first sentence of Form Funding Portal Instructions, General Instructions 1.

¹² 5 U.S.C. 553(b)(3)(B).

¹³ This finding also satisfies the requirements of 5 U.S.C. 808(2), allowing the amendments to become effective notwithstanding the requirement of 5 U.S.C. 801 (if a federal agency finds that notice and public comment are impractical, unnecessary or contrary to the public interest, a rule shall take effect at such time as the federal agency promulgating the rule determines). The amendments also do not require analysis under the Regulatory Flexibility Act. See 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment).

¹⁴ See 5 U.S.C. 553(d)(3).

¹⁵ 44 U.S.C. 3501 *et seq.*

Note: The text of Form Funding Portal does not, and the amendments will not, appear in the Code of Federal Regulations.

■ 5. Amend Form MSD (referenced in § 249.1100) by deleting the text, “(b) Date of Birth (c) City of Birth: (d) State or Province: (e) Country:” and the surrounding text boxes from Item III of Schedule A of Form MSD.

Note: The text of Form MSD does not, and the amendments will not, appear in the Code of Federal Regulations.

■ 6. Amend Form MA (referenced in Section 249.1300) by:

■ a. Removing Item 1.(c)(2);
 ■ b. Revising the second sentence in Item 7.(b) of Schedule A and Item 8.(b) of Schedule B, “If not registered with the CRD, then enter the Social Security Number (“SSN”) or Foreign Identity Number; and enter the Date of Birth (“DOB”). Social security numbers, foreign identity numbers, and dates of birth will not be publicly disseminated.” to read, “If not registered with the CRD, enter 0000000.”;
 ■ c. Revising “(If None: SSN and DOB, or Foreign ID No. and DOB)” in the “Individual CRD No.” column in Schedule A–2, Schedule B–2, Schedule A–2 of Item 4 in Schedule C, and Schedule B–2 in Item 5 of Schedule C to read, “(If none: enter 00000000)”;
 ■ d. Removing the second, third, and fourth sub-columns entitled “SSN,” “DOB,” and “Foreign ID No.,” respectively, under the “Individual CRD No.” column in Schedule A–2, Schedule B–2, Schedule A–2 in Item 4 of Schedule C, and Schedule B–2 in Item 5 of Schedule C.
 ■ e. **Note:** The text of Form MA does not, and the amendments will not, appear in the Code of Federal Regulations.

■ 7. Amend Form MA–I (referenced in Section 249.1310) by:

■ a. Removing “Social Security No.: _____ The Social Security Number will not be included in publicly available versions of this form.” from Item 1.A .

■ b. **Note:** The text of Form MA–I does not, and the amendments will not, appear in the Code of Federal Regulations.

■ 8. Amend the Instructions for the Form MA Series by:

■ c. Removing “Social Security Number. A social security number is needed for regulatory purposes. However, the version of completed Form MA–I that will be available for viewing by the public will not show a social security

number.” from Section 1 of the Specific Instructions for Certain Items in Form MA–I and replacing with “Until EDGAR has been updated to remove the field, enter 000–00–0000 in the in the Social Security Number Field when preparing for MA–I for transmission to EDGAR.”

■ d. **Note:** The text of Form MA Series does not, and the amendments will not, appear in the Code of Federal Regulations.

* * * * *

By the Commission.

Dated: April 24, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–10227 Filed 5–11–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1, 11, 16, 106, 110, 111, 112, 114, 117, 120, 123, 129, 179, 211, and 507

[Docket No. FDA–2018–D–1378]

The Food and Drug Administration Food Safety Modernization Act; Extension and Clarification of Compliance Dates for Certain Provisions of Four Implementing Rules: What You Need To Know About the Food and Drug Administration Regulation; Small Entity Compliance Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of a guidance for industry entitled “The FDA Food Safety Modernization Act; Extension and Clarification of Compliance Dates for Certain Provisions of Four Implementing Rules: What You Need To Know About the Food and Drug Administration Regulation—Small Entity Compliance Guide.” The small entity compliance guide (SECG) is intended to help small entities comply with the final rule entitled “The Food and Drug Administration Food Safety Modernization Act; Extension and Clarification of Certain Provisions of Four Implementing Rules.”

DATES: The announcement of the guidance is published in the **Federal Register** on May 14, 2018.

ADDRESSES: You may submit either electronic or written comments on

Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

• **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
 • For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2018–D–1378 for “The FDA Food Safety Modernization Act; Extension and Clarification of Compliance Dates for Certain Provisions of Four Implementing Rules: What You Need To Know About the Food and Drug Administration Regulation—Small Entity Compliance Guide.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• **Confidential Submissions—**To submit a comment with confidential

information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to Office of Food Safety, Center for Food Safety and Applied Nutrition (HFS-300), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT:

For questions relating to Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food: Jenny Scott, Center for Food Safety and Applied Nutrition (HFS-300), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2166.

For questions relating to Current Good Manufacturing Practice, Hazard

Analysis, and Risk-Based Preventive Controls for Food for Animals: Jeanette Murphy, Center for Veterinary Medicine (HFV-200), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-402-6246.

For questions relating to Foreign Supplier Verification Programs for Importers of Food for Humans and Animals: Rebecca Buckner, Office of Foods and Veterinary Medicine, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-4576.

For questions relating to Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption: Samir Assar, Center for Food Safety and Applied Nutrition (HFS-317), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1636.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of August 24, 2016 (81 FR 57784), we issued a final rule entitled "The Food and Drug Administration Food Safety Modernization Act; Extension and Clarification for Certain Provisions of Four Implementing Rules" (the final rule) that extended compliance dates to address concerns about the practicality of compliance with certain provisions, consider changes to the regulatory text, and better align compliance dates across the rules. The final rule became effective August 24, 2016.

We examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601-612) and determined that the final rule will not have a significant economic impact on a substantial number of small entities. In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104-121, as amended by Pub. L. 110-28), we are making available the SECG to reduce the burden of determining how to comply by further explaining and clarifying the actions that a small entity must take to comply with the rule.

We are issuing this SECG consistent with our good guidance practices regulation (21 CFR 10.115(c)(2)). This SECG represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The collections of information in 21 CFR part 117 have been approved under OMB control number 0910-0751. The collections of information in 21 CFR part 507 have been approved under OMB control number 0910-0789. The collections of information in 21 CFR part 1, subpart L have been approved under OMB control number 0910-0752. The collections of information in 21 CFR part 112 have been approved under OMB control number 0910-0816.

III. Electronic Access

Persons with access to the internet may obtain the SECG at either <https://www.fda.gov/FoodGuidances> or <https://www.regulations.gov>. Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: May 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-10148 Filed 5-11-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2018-0064]

RIN 1625-AA08

Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard amends its special local regulations for recurring marine parades, regattas, and other events in the Coast Guard Sector Ohio Valley area of responsibility. This rule adds 17 new recurring special local regulations, removes 9 special local regulations, and amends the name of an events/sponsors, dates, and/or locations of regulated areas for 48 recurring special local regulations already listed in the current table. This action is necessary to protect spectators, participants, and vessels from the hazards associated with annual marine

events. This regulation restricts vessel traffic from the designated areas during the events unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective May 14, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0064 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Joshua Herriott, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779–5343, email Joshua.R.Herriott@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Captain of the Port Sector Ohio Valley (COTP) amends 33 CFR 100.801 to update the table of annual recurring special local regulations in Coast Guard Sector Ohio Valley. These events include air shows, regattas, and other marine related events requiring a limited access area restricting vessel traffic for safety purposes.

On April 3, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update (83 FR 14219). During the comment period that ended on April 18, 2018, we received two comments.

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 the public interest because immediate action is necessary to respond to the potential safety hazards associated with these marine events.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. Based on the nature of these marine events, large numbers of participants and spectators, and event locations, the

COTP has determined that the potential hazards associated with the events listed in this rule could pose a risk to participants or waterways users if the normal vessel traffic were to interfere with the events. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the regulated area. This purpose of this rule is to ensure the safety of all waterway users, including event participants, spectators, and vessels during these scheduled events.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received two comments on our NPRM published April 3, 2018. Both comments were unrelated to the subject matter of this rulemaking. There is one technical amendment that changes the table heading in regulatory text of this rule from the proposed rule on the NPRM.

This rule amends the special local regulations for annual events in Coast Guard Sector Ohio Valley area of responsibility as listed in Table 1 of 33 CFR 165.801 by adding 17 new recurring special local regulations, removing 9 special local regulations no longer recurring, and amending the names of events/sponsors, dates, and/or the locations of regulated areas for 48 recurring special local regulations already listed in the current table. Although this regulation would be in effect year-round, the specific special local regulations listed in Table 1 of 33 CFR 100.801 would only be enforced during the specified period of time of annual events listed. In accordance with the regulations listed in 33 CFR 100.801(a)–(j), entry into these regulated areas is prohibited unless authorized by the COTP or a designated representative.

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 as 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 special local regulations. These areas are limited in size and duration, and usually do not affect high vessel traffic areas. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated areas, and the rule allows vessels to seek permission to enter the areas.

B. Impact on Small Entities

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The

Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you

believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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.ID, 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. Normally such actions are categorically excluded from further review under paragraph L61 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 in the **ADDRESSES** section of this preamble.

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 100

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

For the reasons discussed in the preamble, the U.S. Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERWAYS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. In § 100.801, revise Table 1 to read as follows:

§ 100.801 Annual Marine Events in the Eighth Coast Guard District.

TABLE 1 TO § 100.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Ohio Valley location	Regulated area
1. 1 day—During the last week of April or first week of May.	Kentucky Derby Festival/Belle of Louisville Operating Board/Great Steamboat Race.	Louisville, KY	Ohio River, Mile 595.0–605.3 (Kentucky).
2. 1 day—Third weekend in May.	World Triathlon Corporation/IRONMAN 70.3.	Chattanooga, TN	Tennessee River, Mile 462.7–467.5 (Tennessee).
3. 1 day—Third or fourth weekend in June.	Greater Morgantown Convention and Visitors Bureau/Mountaineer Triathlon.	Morgantown, WV	Monongahela River, Mile 101.0–102.0 (West Virginia).
4. 2 days—First weekend of June.	Thunder on the Bay/KDBA	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
5. 1 day—One of the first two weekends in August.	Green Umbrella/Ohio River Paddlefest.	Cincinnati, OH	Ohio River, Mile 458.5–476.4 (Ohio and Kentucky).
6. 1 day—Fourth or fifth Sunday in September.	Green Umbrella/Great Ohio River Swim.	Cincinnati, OH	Ohio River, Mile 468.8–471.2 (Ohio and Kentucky).
7. 1 day—One of the last two weekends in September.	Ohio River Open Water Swim	Prospect, KY	Ohio River, Mile 587.0–591.0 (Kentucky).
8. 2 days—One of the first three weekends in September.	Louisville Dragon Boat Festival.	Louisville, KY	Ohio River, Mile 602.0–604.5 (Kentucky).
9. 1 day—Third or fourth Sunday of July.	Tucson Racing/Cincinnati Triathlon.	Cincinnati, OH	Ohio River, Mile 468.3–471.2 (Ohio).
10. 2 days—One of the first two weekends in July.	Thunder on the Bay/KDBA	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
11. 1 day—Second weekend in July.	Bradley Dean/Renaissance Man Triathlon.	Florence, AL	Tennessee River, Mile 254.0–258.0 (Alabama).
12. 3 days—The last weekend in June or one of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Mile 554.0–561.0 (Indiana).

TABLE 1 TO § 100.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Ohio Valley location	Regulated area
13. 1 day—One weekend in June.	Louisville Race the Bridge Triathlon.	Louisville, KY	Ohio River, Mile 600.5–604.0 (Kentucky).
14. 1 day—Fourth weekend in June.	Team Magic/Chattanooga Waterfront Triathlon.	Chattanooga, TN	Tennessee River, Mile 462.7–466.0 (Tennessee).
15. 1 day—Fourth weekend in July.	Team Magic/Music City Triathlon.	Nashville, TN	Cumberland River, Mile 189.7–192.3 (Tennessee).
16. 2 days—Last two weeks in July or first three weeks of August.	Friends of the Riverfront Inc./Pittsburgh Triathlon and Adventure Races.	Pittsburgh, PA	Allegheny River, Mile 0.0–1.5 (Pennsylvania).
17. 3 days—First week of August.	EQT Pittsburgh Three Rivers Regatta.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.6, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
18. 2 days—First weekend of August.	Thunder on the Bay/KDBA	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
19. 2 days—One of the last three weekends in September or the first weekend in October.	Captain Quarters Regatta	Louisville, KY	Ohio River, Mile 594.0–598.0 (Kentucky).
20. 2 days—One of the first three weekends in October.	Norton Healthcare/Ironman Triathlon.	Louisville, KY	Ohio River, Mile 600.5–605.5 (Kentucky).
21. 2 days—Third full weekend (Saturday and Sunday) in August.	Ohio County Tourism/Rising Sun Boat Races.	Rising Sun, IN	Ohio River, Mile 504.0–508.0 (Indiana and Kentucky).
22. 1 day—Last weekend in August.	Tennessee Clean Water Network/Downtown Dragon Boat Races.	Knoxville, TN	Tennessee River, Mile 646.3–648.7 (Tennessee).
23. 3 days—One weekend in August.	Pro Water Cross Championships.	Charleston, WV	Kanawha River, Mile 56.7–57.6 (West Virginia).
24. 2 days—One weekend in July.	Huntington Classic Regatta ...	Huntington, WV	Ohio River, Mile 307.3–309.3 (West Virginia).
25. 2 days—Labor Day weekend.	Wheeling Vintage Race Boat Association Ohio/Wheeling Vintage Regatta.	Wheeling, WV	Ohio River, Mile 90.4–91.5 (West Virginia).
26. 2 days—weekend before Labor Day.	SUP3Rivers The Southside Outside.	Pittsburgh, PA	Monongahela River, Mile 0.0–3.09, Allegheny River Mile 0.0–0.25 (Pennsylvania).
27. 1 day—One of the first three weekends in September.	Cumberland River Compact/Cumberland River Dragon Boat Festival.	Nashville, TN	Cumberland River, Mile 189.7–192.1 (Tennessee).
28. 2 days—One of the first three weekends in September.	State Dock/Cumberland Poker Run.	Jamestown, KY	Lake Cumberland (Kentucky).
29. 3 days—One of the first three weekends in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 600.0–605.0 (Kentucky).
30. 1 day—Last weekend in September.	World Triathlon Corporation/IRONMAN Chattanooga.	Chattanooga, TN	Tennessee River, Mile 462.7–467.5 (Tennessee).
31. 1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest Cardboard Boat Regatta.	Clarksville, TN	Cumberland River, Mile 125.0–126.0 (Tennessee).
32. 2 days—First weekend of October.	Three Rivers Rowing Association/Head of the Ohio Regatta.	Pittsburgh, PA	Allegheny River, Mile 0.0–4.0 (Pennsylvania).
33. 1 day—First or second weekend in October.	Lookout Rowing Club/Chattanooga Head Race.	Chattanooga, TN	Tennessee River, Mile 463.0–468.0 (Tennessee).
34. 3 days—First weekend in November.	Atlanta Rowing Club/Head of the Hooch Rowing Regatta.	Chattanooga, TN	Tennessee River, Mile 463.0–468.0 (Tennessee).
35. One Saturday in June or July.	Paducah Summer Festival/Cross River Swim.	Paducah, KY	Ohio River, Mile 934–936 (Kentucky).
36. 1 day—During the last weekend in May or on Memorial Day.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 601.0–604.5 (Kentucky).
37. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Shriners Festival/Freedom Festival.	Evansville, IN	Ohio River, Mile 790.0–796.0 (Indiana).
38. 1 day—During the first week of July.	Evansville Freedom Celebration/4th of July Freedom Celebration.	Evansville, IN	Ohio River, Mile 790.0–797.0 (Indiana).
39. 1 day—First weekend in September or on Labor Day.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 601.0–610.0 (Kentucky).

TABLE 1 TO § 100.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Ohio Valley location	Regulated area
40. 2 days—One of the last three weekends in July.	Dare to Care/KFC Mayor's Cup Paddle Sports Races/Voyageur Canoe World Championships.	Louisville, KY	Ohio River, Mile 600.0–605.0 (Kentucky).
41. 3 days— One of the last two weekends in August.	Kentucky Drag Boat Association/Thunder on the Green.	Livermore, KY	Green River, Mile 69.0–72.5 (Kentucky).
42. 1 day—Fourth weekend in August.	Team Rocket Tri-Club/Rocketman Triathlon.	Huntsville, AL	Tennessee River, Mile 332.2–335.5 (Alabama).
43. 3 days—One of the last three weekends in September or first weekend in October.	Hadi Shrine/Owensboro Air Show.	Owensboro, KY	Ohio River, Mile 754.0–760.0 (Kentucky).
44. 1 day—Last weekend in July or first weekend in August.	HealthyHuntington.org/St. Marys Tri-state Triathlon.	Huntington, WV	Ohio River, Mile 307.3–308.3 (West Virginia).
45. 2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 463.0–477.0 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).
46. 1 day—One Sunday in September.	Ohio River Sternwheel Festival Committee Sternwheel race reenactment.	Marietta, OH	Ohio River, Mile 170.5–172.5 (Ohio).
47. 1 day—One Saturday in September or One weekend in September.	Parkersburg Paddle Fest	Parkersburg, WV	Ohio River, Mile 184.3–188 (West Virginia).
48. 3 days—Last weekend of September and/or first weekend in October.	New Martinsville Records and Regatta Challenge Committee.	New Martinsville, WV	Ohio River, Mile 128–129 (West Virginia).
49. First weekend in July	Eddyville Creek Marina/Thunder Over Eddy Bay.	Eddyville, KY	Cumberland River, Mile 46.0–47.0 (Kentucky).
50. First or second weekend of July.	Prizer Point Marina/4th of July Celebration.	Cadiz, KY	Cumberland River, Mile 54.0–55.09 (Kentucky).
51. 2 days—Last weekend in May or first weekend in June.	Visit Knoxville/Racing on the Tennessee.	Knoxville, TN	Tennessee River, Mile 647.0–648.0 (Tennessee).
52. 1 day—First or second weekend in August.	Riverbluff Triathlon	Ashland City, TN	Cumberland River, Mile 157.0–159.0 (Tennessee).
53. 2 days—One weekend in August.	POWERBOAT NATIONALS—Ravenswood Regatta.	Ravenswood, WV	Ohio River, Mile 220.5–221.5 (West Virginia).
54. 3 days—One of the last three weekends in June.	Lawrenceburg Regatta/Whiskey City Regatta.	Lawrenceburg, IN	Ohio River, Mile 491.0–497.0 (Indiana).
55. 2 days—One of the last three weekends in September.	Madison Vintage Thunder	Madison, IN	Ohio River, Mile 556.5–559.5 (Indiana).
56. 1 day—Third weekend in March.	Vanderbilt Rowing/Vanderbilt Invite.	Nashville, TN	Cumberland River, Mile 188.0–192.7 (Tennessee).
57. 3 days—First or Second weekend in October.	Vanderbilt Rowing/Music City Head Race.	Nashville, TN	Cumberland River, Mile 189.5–196.0 (Tennessee).
58. 3 days—Third weekend in June.	TM Thunder LLC/Thunder on the Cumberland.	Nashville, TN	Cumberland River, Mile 189.6–192.3 (Tennessee).
59. 3 days—Second weekend in May.	Vanderbilt Rowing/ACRA Henley.	Nashville, TN	Cumberland River, Mile 188.0–194.0 (Tennessee).
60. 2 days—Third weekend in August.	Kittanning Riverbration Boat Races.	Kittanning, PA	Allegheny River, Mile 44.0–45.5 (Pennsylvania).
61. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Mile 597.0–604.0 (Kentucky).
62. 3 days—The last weekend in August or one of the first two weekends in September.	Evansville HydroFest	Evansville, IN	Ohio River, Mile 790.5–794.0.
63. 2 days—One weekend in July.	Marietta Riverfront Roar Regatta.	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).
64. 1 day—One weekend in November or December.	Charleston Lighted Boat Parade.	Charleston, WV	Kanawha River, Mile 54.3–60.3 (West Virginia).
65. 1 day—One weekend in August.	YMCA River Swim	Charleston, WV	Kanawha River, Mile 58.3–60.3 (West Virginia).
66. 1 day—One weekend in April.	Lindamood Cup	Marietta, OH	Muskingum River, Mile 0.5–1.5 (Ohio).
67. 2 days—One weekend in June.	New Martinsville Vintage Regatta.	New Martinsville, WV	Ohio River Mile 127.5–128.5 (West Virginia).
68. 3 days—One weekend in August.	Grand Prix of Louisville	Louisville, KY	Ohio River, Mile 601.0–605.0 (Kentucky).

TABLE 1 TO § 100.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Ohio Valley location	Regulated area
69. 2 days—Fourth weekend in March.	Oak Ridge Rowing Association/Atomic City Turn and Burn.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
70. 3 days—Second or third weekend in March.	Oak Ridge Rowing Association/Cardinal Invitational.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
71. 3 days—Third weekend in April.	Oak Ridge Rowing Association/SIRA Regatta.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
72. 3 days—Fifth weekend in April.	Oak Ridge Rowing Association/Dogwood Junior Regatta.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
73. 3 days—Second weekend in May.	Oak Ridge Rowing Association/Big 12 Championships.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
74. 3 days—Third weekend in May.	Oak Ridge Rowing Association/Dogwood Masters.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
75. 1 day—First weekend in June.	Visit Knoxville/Knoxville Powerboat Classic.	Knoxville, TN	Tennessee River, Mile 646.4–649.0 (Tennessee).
76. 1 day—First Sunday in August.	Above the Fold Events/Riverbluff Triathlon.	Ashland City, TN	Cumberland River, Mile 157.0–159.5 (Tennessee).
77. 3 days—First weekend in June.	Outdoor Chattanooga/Chattanooga Swim Festival.	Chattanooga, TN	Tennessee River, Mile 454.0–468.0 (Tennessee).
78. 1 day—Fourth or fifth weekend in September.	Knoxville Open Water Swimmers/Bridges to Bluffs.	Knoxville, TN	Tennessee River, Mile 641.0–648.0 (Tennessee).
79. 1 day—Third Sunday in September.	Team Rocket Tri Club/Swim Hobbs Island.	Huntsville, AL	Tennessee River, Mile 332.3–338.0 (Alabama).

* * * * *

Dated: May 7, 2018.

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

[FR Doc. 2018–10087 Filed 5–11–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117****[Docket No. USCG–2017–0687]****Drawbridge Operation Regulation; St. Croix River, Stillwater, MN****AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is altering the operating schedule that governs the Stillwater Highway Bridge across the St. Croix River, mile 23.4, at Stillwater, Minnesota. This action is necessary because the Stillwater Highway Bridge is no longer open to vehicular traffic. This operating schedule change will increase daily openings for vessel traffic on the St. Croix River, while minimally impacting the pedestrian and bicycle traffic that transits the bridge.

DATES: This rule is effective May 15, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>. Type USCG–2017–0687 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email Eric.Washburn@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Stillwater Highway Bridge, across the St. Croix River, mile 23.4, at Stillwater, Minnesota, currently operates under 33 CFR 117.667(b). The Stillwater Highway Bridge provides a vertical clearance of 10.9 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial sightseeing/dinner cruise boats and recreational watercraft. On July 7, 2017, the Coast Guard was informed that with the August 2017 opening of the new St. Croix River Crossing, vehicular traffic over the Stillwater Highway Bridge terminated. In response, on August 30, 2017, we published a temporary deviation titled Notice of temporary

deviation from drawbridge regulations; request for comments (82 FR 41174). There, we stated why we issued the temporary deviation, and invited comments on whether a permanent change to the Stillwater Highway Bridge operating schedule was warranted. In addition, the petition we received for schedule change was made available for public inspection in the Federal eRulemaking Portal online docket at <http://www.regulations.gov>. During the comment period that ended on November 28, 2017, we received 41 comments.

The Coast Guard is issuing this 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 unnecessary. The temporary deviation provided for public notice and comment, and this final rule lifts, rather than imposes, restrictions on the operating schedule of the Stillwater Highway Bridge.

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

Register. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to change the schedule of the bridge before the summer boating season begins.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Stillwater Highway Bridge currently operates under 33 CFR 117.667(b). It has been closed to vehicular traffic and is now open for pedestrian and bicycle use only. As the current operating schedule was created solely to reduce the impact of drawspan openings on vehicular traffic, it now no longer serves the purpose or needs of the bridge.

IV. Discussion of Comments, Changes and the Rule

As noted above, we received 41 comments on our temporary deviation published on August 30, 2017. Of the 41 comments we received, 37 were in favor of the new schedule, and 4 were not. Most of the 37 commenters in favor of the half hour schedule identified as boaters and stated that the half hour lift schedule represented a good compromise between boaters and pedestrians. Of the 4 commenters not in favor of the schedule, two stated that no change was necessary, one requested no change until a study regarding the schedule impact on bicyclists could be conducted, and one commenter, the Minnesota Department of Transportation, the owner of the bridge, requested that the schedule be adjusted to keep the number of lifts consistent with previous years.

The Coast Guard finds that there is a need to change the current schedule as it no longer serves the needs or purpose of the bridge. The Coast Guard also finds that a study regarding the impact of the new schedule specifically on bicyclists is not necessary to delay the schedule change for the upcoming boating season. Finally, while the Coast Guard understands the Minnesota Department of Transportation's concerns for keeping a consistent number of openings with previous years, the Minnesota Department of Transportation did not propose an alternate schedule, and as described above, the needs and purpose of the bridge have changed from previous years.

Approximately 5 of the 37 commenters in favor of the rule also proposed that the bridge either remain open and close on request of pedestrians, open on demand, or open every 15 minutes. The Coast Guard disagrees with these proposals.

However, 2 of these 37 commenters proposed that, at least while the bridge is closed to pedestrian and bicycle traffic during construction, the bridge should remain open. The Coast Guard disagrees as the Minnesota Department of Transportation may have particular needs, such as for maintenance and repair, to keep the bridge in the closed position even while it is not open to pedestrian traffic.

Further, 2 of the 37 commenters in favor of the new schedule also proposed that the bridge's off-season 24 hour notice requirement be reduced to 2 hour notice, and another 3 of these 37 commenters also requested a no-wake zone in the vicinity of the bridge. These proposals were not part of the temporary deviation and are outside the scope of this rulemaking.

Finally, the Minnesota Department of Transportation requested that the Coast Guard work with the Minnesota and Wisconsin State Historic Preservation Offices to ensure that the schedule has no adverse effect under Section 106 of the Historic Preservation Act and also that the Coast Guard hold public meeting before making a permanent change to the schedule. Neither the Minnesota nor the Wisconsin State Historic Preservation Office themselves submitted a comment on the temporary deviation, and the schedule change is merely operational and has no effect on the aesthetics of the Stillwater Highway Bridge. Moreover, absent a specific need to hold a public meeting, the Coast Guard finds that there has been sufficient public comment on this schedule in the public docket of the temporary deviation. Accordingly, the Coast Guard finds that it is appropriate to adopt the schedule change that was implemented during the temporary deviation.

There are no changes in the regulatory text of this rule from the temporary deviation. This rule requires the bridge to open daily, every 30 minutes from 8 a.m. until midnight, and upon two hours notice from midnight until 8 a.m.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory

approaches that maximize net benefits. 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 (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the findings from the test deviation that the final rule will reduce negative impact to navigation while minimally impacting bicycle and pedestrian traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section 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**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call

1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule 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 Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guides 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 simply promulgates the operating regulations or procedures for a drawbridge. It is categorically excluded from further review under paragraph L49 of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01. Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

- 2. Revise 117.667(b) to read as follows:

§ 117.667 St. Croix River.

* * * * *

(b) The draw of the Stillwater Lift Bridge, Mile 23.4, shall open on signal as follows:

(1) From May 15 through October 15, daily:

- (i) 8 a.m. to midnight, every half hour;
- (ii) Midnight to 8 a.m., upon two hours notice.

(2) From October 16 through May 14, if at least 24 hours notice is given.

* * * * *

Dated: May 8, 2018.

Paul F. Thomas,

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

[FR Doc. 2018-10186 Filed 5-11-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0430]

RIN 1625-AA00

Safety Zone; Upper Mississippi River, St. Louis, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters on the Upper Mississippi River from mile marker (MM) 179 to MM 179.5, extending the entire width of the river, near St. Louis, MO. This safety zone is necessary to protect persons, vessels, and the marine environment from potential hazards that could occur while emergency work is completed on new power lines extending across the river. Entry of vessels or persons into this safety zone is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative.

DATES: This rule is effective from 7 a.m. on May 14, 2018 through 7 p.m. on May 15, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2018-0430 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 LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314-269-2332, email Sean.M.Peterson@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the

Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(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. A barge-based crane has contacted an overhead power line, necessitating emergency repairs. This safety zone must be established by May 14, 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 emergency power line repairs are completed and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest because immediate action is necessary to respond to the potential safety hazards associated with the emergency power line repairs.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with emergency power line repairs over the Upper Mississippi River will be a safety concern for anyone within a one-half mile stretch of the Upper Mississippi River. This rule is necessary to protect persons, vessels, and the marine environment before, during, and after the repair work.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. on May 14, 2018 through 7 p.m. on May 15, 2018. The safety zone will be enforced from 7 a.m. through 7 p.m. each day and will cover all navigable waters between mile markers (MMs) 179 and 179.5, extending the entire width of the river, on the Upper Mississippi River in St. Louis, MO. The duration of the zone is intended to protect personnel, vessels, and the marine environment while the power lines are repaired. Entry of vessels or persons into this safety zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a

commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River.

Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by telephone at 314–269–2332. All persons and vessels permitted to enter this safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

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-year of the safety zone. This safety zone covers a one-half mile stretch of the Upper Mississippi River for twelve hours on each of two days to necessitate emergency power line repairs. The effects of the zone are expected to be insignificant taking into account the emergency nature of the required repairs.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, 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 only twelve hours on each of two days that restricts entry on a one-half mile stretch of the Upper Mississippi River. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination will be made available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T08–0430 to read as follows:

§ 165.T08–0430 Safety Zone; Upper Mississippi River, St. Louis, MO.

(a) *Location.* The following area is a safety zone: All navigable waters of the Upper Mississippi River between mile marker (MM) 179 and MM 179.5, extending the entire width of the river, in St. Louis, MO.

(b) *Effective period.* This section is effective from 7 a.m. on May 14, 2018 through 7:00 p.m. on May 15, 2018.

(c) *Enforcement period.* This section will be enforced from 7 a.m. through 7 p.m. each day on May 14, 2018 and May 15, 2018.

(d) *Regulations.* (1) Under the general safety zone regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by telephone at 314–269–2332.

(3) All persons and vessels permitted to enter this safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

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

Dated: May 9, 2018.

Scott A. Stoermer,

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

[FR Doc. 2018–10191 Filed 5–11–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0394; FRL–9977–84—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of an Alternative Volatile Organic Compound Emission Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State of Maryland's state implementation plan (SIP). Maryland

requested that EPA incorporate by reference into the Maryland SIP a Maryland Department of the Environment (MDE) order establishing an alternative volatile organic compound (VOC) emission standard for National Gypsum Company (NGC) that will ensure that this source remains a minor stationary source of VOCs. EPA is approving the SIP submittal incorporating by reference MDE's order for NGC in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 13, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2017–0394. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Gregory A. Becoat, (215) 814–2036, or by email at becoat.gregory@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 24, 2016, MDE submitted a formal revision to the Maryland SIP. The SIP revision consisted of a request to incorporate by reference a MDE departmental order establishing an alternative VOC emission standard for NGC in connection with the permit-to-construct conditions issued by MDE to ensure that it remains a minor stationary source of VOCs. The alternative VOC emissions limit is 195 pounds per operating day (lbs/day) with at least a 99% overall VOC control efficiency at Board Kiln No. 1.

NGC is a major stationary source of nitrogen oxides (NO_x), but is not a major stationary source for VOCs. NGC has two major manufacturing lines: Board Kiln No. 1 and Board Kiln No. 2. NGC was subject to VOC emission limits on its kilns in COMAR 26.11.06.06, which is included in the Maryland SIP. Since Board Kiln No. 1 was installed before May 12, 1972, COMAR 26.11.06.06B(1)(a) required its VOC emissions to be less than 200 lbs/day

unless the discharge is reduced by 85 percent or more overall. Because Board Kiln No. 2 was installed in April 1998, it was subject to COMAR 26.11.06.06B(1)(b), which, except as provided in COMAR 26.11.06.06E, limited the discharge of VOC to not exceed 20 lbs/day unless the discharge is reduced by 85 percent or more overall. Under COMAR 26.11.06.06E (“Exceptions”), a source may request an exception to a VOC emission limit from MDE if the source is not subject to new source review (NSR) and if the source is unable to comply with COMAR 26.11.06.06B (“Control of VOC from Installations”). COMAR 26.11.06.06E(5) requires MDE to submit the exception to EPA for inclusion in the Maryland SIP. MDE entered a consent order with NGC on March 11, 2016 establishing an alternative VOC emission limit for Board Kiln No. 1 and Board Kiln No. 2.

On August 28, 2017, EPA simultaneously published a notice of proposed rulemaking (NPR) (82 FR 40743) and a direct final rule (DFR) (82 FR 40715) approving Maryland’s June 2016 SIP revision submittal which requested incorporation by reference of a MDE order that includes an alternative VOC emission standard for NGC. EPA received an adverse comment on the rulemaking and withdrew the DFR prior to the effective date of November 27, 2017.

II. Summary of SIP Revision and EPA’s Analysis

In the June 24, 2016 SIP submittal, MDE included an order authorizing an alternative VOC emissions standard per COMAR 26.11.06.06E in connection with the construction permit MDE previously prepared for NGC. MDE requested that EPA incorporate by reference the order with the alternative VOC emissions standard into the Maryland SIP, as required by COMAR 26.11.06.06E(5). MDE had determined that NGC met requirements for the VOC alternative limit in COMAR 26.11.06.06E. One requirement in COMAR 26.11.06.06E(3)(c) is that the alternative VOC limit not interfere with reasonable progress. The MDE order for NGC requires that NGC comply with the following alternative VOC standards and other conditions: (1) NGC shall install a regenerative thermal oxidizer (RTO) on Board Kiln No. 1, which is designed to achieve at least a 99% overall VOC control efficiency, or not greater than 0.5 parts per million by volume (ppmv) of VOC in the flue gases exiting the RTO; (2) total VOC emissions from Board Kiln No. 1 and Board Kiln No. 2, combined, shall not exceed 195 lbs/day; (3) total premises-wide VOC

emissions shall be less than 25 tons in any rolling 12-month period to ensure that the total net VOC emissions increase resulting from the modification of Board Kiln No. 1, in addition to Board Kiln No. 2’s emissions, is less than the nonattainment NSR threshold of 25 tons in any rolling 12-month period; (4) NGC shall vent the flue gases from Board Kiln No. 1 through the RTO prior to discharging to the atmosphere when manufacturing silicone XP water resistant wallboard and eXP water resistant wallboard; (5) the temperature of the combustion zone of the RTO shall be maintained to at least the minimum temperature established during the most recent stack emissions tests demonstrating compliance with the daily VOC emission limit of 195 pounds per operating day; (6) NGC shall manufacture regular wallboard (any wallboard that is not silicone XP water resistant wallboard or eXP water resistant wallboard and is not prohibited for production by MDE) only in Board Kiln No. 2; and (7) NGC shall monitor daily production for each type of wallboard and shall calculate total daily VOC emissions from Board Kiln No. 1 and Board Kiln No. 2 to demonstrate compliance with the alternative VOC emission standard of 195 pounds per operating day.

After evaluating the SIP revision, EPA finds that the submittal strengthens the State of Maryland’s SIP and is in accordance with COMAR 26.11.06.06 (which is in the Maryland SIP and provides for VOC alternative limits). EPA also finds the submittal is in accordance with section 110 of the CAA, including 110(a) and 110(l), as the SIP revision will not interfere with reasonable further progress, attainment of any national ambient air quality standard (NAAQS), or any other applicable CAA requirements. The alternative VOC limit for NGC imposes a more stringent combined VOC emissions limit on both kilns of 195 lbs/day compared to 220 lbs/day which would otherwise apply under COMAR 26.11.06.06 to the kilns. In addition to the lbs/day limit, NGC is subject to other limits EPA finds should restrict VOC emissions including installation of a RTO on Board Kiln No. 1 with 99% removal efficiency for VOCs and a limit on plant-wide VOCs of 25 tons per 12 month rolling period. Thus, EPA finds the more stringent VOC lbs/day limit plus other measures in the MDE Order should yield greater VOC emissions reductions from NGC’s kilns than the generally applicable limit under the SIP.

III. Public Comments and EPA’s Response

EPA received one public comment on the August 28, 2017 NPR (82 FR 40743) to approve Maryland’s June 24, 2016 SIP submittal.

Comment: EPA should not grant an alternative limit that is so much more than the 20 lbs/day VOCs allowed in the State of Maryland. EPA should follow the rules already in place for cement kilns in Maryland and not let this facility create ten times more VOCs which create ozone in other states. EPA should conduct modeling to determine what effect the increased VOC emissions will have on downwind areas that cannot meet ozone standards. Additionally, EPA should determine whether or not the increase of VOC will result in increased ozone in the immediate areas as Baltimore has had several high ozone air quality days. The commenter stated EPA should not reduce health standards nor relax regulatory relief. Finally, the commenter cited health effects of ozone pollution and asked EPA to not let cement kilns pollute more.

Response: First, EPA notes that the VOC limits at the facility prior to this action were 20 lbs per day at Kiln #2 and 200 lbs per day at Kiln #1, for an overall total permitted limit of 220 lbs/day from both kilns. The new limit will be 195 lbs/day from both kilns combined, which is a 25 lb/day decrease in the overall permitted amount of VOCs allowed from both kilns. Thus, the facility is not allowed to increase its VOC emissions tenfold, as commenter states. Second, the request is in accord with rules already in place in Maryland’s SIP. Pursuant to the Maryland SIP, COMAR 26.11.06.06E (“Exceptions”), a source may request an exception to a VOC emission limit from MDE if the source is not subject to NSR and if the source is unable to comply with COMAR 26.11.06.06B. MDE concluded NGC was not subject to NSR and that NGC was unable to comply with COMAR 26.11.06.06B, making it eligible to apply for an exception under COMAR 26.11.06.06E. However, because exceptions under COMAR 26.11.06.06E require EPA approval of specific emission limitations, MDE submitted the alternative VOC limit to EPA for inclusion in the SIP. As described above and in the DFR, EPA finds the alternative limit permissible within the scope of COMAR 26.11.06.06E for an alternative VOC limit for NGC.

EPA notes that Maryland regulation COMAR 26.11.06.06B(1)(b), which establishes the 20 lbs/day VOC limit

cited in the comment and is currently applicable to Board Kiln No. 2, itself provides that alternative limits can be appropriate in certain circumstances, even outside the exceptions available in COMAR 26.11.06.06E. Specifically, the Maryland regulation states that in addition to the exceptions provision, an alternative limit to the 20 lbs/day can be appropriate if “the discharge is reduced by 85 percent or more overall.” Thus, on its face Maryland’s existing, SIP-approved regulations explicitly contemplate deviation from the 20 lb/day VOC limit for Board Kiln No. 2 in certain circumstances. In addition, COMAR 26.11.06.06E provides further conditions under which the state may establish an alternative emission limit, subject to EPA approval.

In order to grant such an exception, COMAR 26.11.06.06E(3) requires the following:

(3) The Department may grant an exception to § B(1)(b) or B(2)(c) of this regulation if it determines that:

(a) Control methods, if any, necessary to meet the requirements of § B(1)(b) or B(2)(c) are not reasonable for the installation;

(b) The applicant has the ability to operate and maintain the equipment and has the production controls necessary to meet the alternative VOC emission standard established by the Department instead of the requirements of § B(1)(b) or B(2)(c); and

(c) Emissions from the installation will not interfere with reasonable further progress if the exception is granted.

EPA finds that MDE has found that these criteria have been met, and included in the docket MDE’s five-page Fact Sheet and Tentative Determination (Fact Sheet), which discusses each of the elements listed above. Section III of the Fact Sheet notes that the VOC content in the flue gases from Board Kiln No. 2 is not significant, and therefore add-on controls would not be cost-effective and that space constraints at Board Kiln No. 2 make it economically infeasible to install an RTO as a control method under COMAR 26.11.06.06E(3)(a) above. As to criterion (3)(b) above, MDE’s Fact Sheet, Section V(1), requires that NGC conduct a compliance demonstration for the RTO installed on Kiln #1 within 180 days of start-up of the RTO, and also conduct stack tests on Kiln #2 to demonstrate compliance with the alternative emission rate, and thereafter monitor production rates from each kiln in order to calculate daily VOC emissions to demonstrate compliance with the 195 lbs/day limit. This is how MDE will determine that NGC has the ability to

operate and maintain the equipment and has production controls needed to meet the alternative standard. Finally, regarding criterion (3)(c), Section V of the Fact Sheet (p.5) contains MDE’s analysis of air quality, which states that installation of an RTO on Board Kiln No. 1 would significantly reduce the emissions of VOC. Furthermore, and relevant to commenter’s concern, the analysis in Section V of the Fact Sheet states that although the alternative VOC limit for Board Kiln No. 2 will increase above the 20 lbs/day currently permitted under Maryland regulation, the new combined VOC limits between Board Kiln No. 1 and Board Kiln No. 2 are in fact more stringent than the existing combined VOC limits for the two units, and thus that the proposed exception will be beneficial to the local economy and air quality.

In accordance with Section 110(l) of the CAA, when approving a revision to a SIP EPA is also required to ensure that the state SIP revision will not interfere with any applicable requirement concerning attainment and reasonable further progress of any other applicable requirement in the CAA. In this case, the combined 195 lbs/day VOC limit for both kilns, along with the requirement that the control device on Kiln No. 1 must meet a 99% VOC destruction efficiency, are together more stringent than the VOC limits otherwise presumptively applicable to NGC under COMAR 26.11.06.06, which total 220 lbs/day (200 lbs/day for kiln 1 and 20 lbs/day for kiln 2). EPA does not expect that this more stringent combined limit between the two kilns will result in interference with other CAA requirements, including attainment of or reasonable further progress towards any NAAQS.

In response to the commenter’s concern that EPA should follow the rules already in place for cement kilns in Maryland and not let this facility create ten times more VOCs which create ozone in other states, EPA first notes that the NGC facility makes wallboard and is not a cement kiln. Second, the total allowable emissions of VOCs from the Kilns 1 and 2 are decreasing from 220 lbs/day to 195 lbs/day under this SIP revision, rather than increasing ten times.

The commenter also requested that EPA should conduct modeling to determine what effect the increased VOC emissions will have on downwind areas that cannot meet ozone standards. In the same vein, the commenter requested that EPA should determine whether or not the increase of VOC will result in increased ozone in the immediate areas as Baltimore has had

several high ozone air quality days. However, as stated above, this SIP revision decreases the allowable VOC emissions from the two kilns by lowering the overall permitted VOC emission limits from the two kilns from a presumptive total limit of 220 lbs/day to 195 lbs/day. This lower limit on VOC emissions from the kilns should not result in increased ozone in the Baltimore area. Regarding modelling, EPA is not aware of any provision of the CAA or Maryland SIP requiring MDE or EPA to conduct modeling in these circumstances to determine impacts on ozone NAAQS in downwind or nearby areas. The more stringent combined VOC limit of 195 lbs/day and the VOC reductions from the RTO on Kiln No. 1 should result in additional expected VOC reductions from NGC, and therefore the alternative VOC limit for NGC should not interfere with ozone NAAQS in downwind areas such as Baltimore nor allow more “pollution” from NGC.

Finally, EPA’s action here is approving an alternative VOC emission limit proposed by MDE which MDE determined is in accordance with requirements of the Maryland SIP. Our action is not “reducing health standards” nor relaxing “regulatory relief.” Indeed, the NAAQS for ozone, which is set at a level to protect human health and the environment, is not being altered. The more stringent 195 lbs/day VOC emission limit for the kilns should not lead to more pollution as alluded to by the commenter.

IV. Final Action

EPA is approving the Maryland SIP revision submitted on June 24, 2016, which requests incorporation by reference of a MDE order that includes an alternative VOC emission standard for NGC because the revision is in accordance with the Maryland SIP and meets the requirements in CAA section 110. This rule, which responds to the adverse comment received, finalizes our proposed approval of Maryland’s SIP submittal incorporating by reference MDE’s order for NGC.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference Maryland’s Department of the Environment Order No. 510–0233–6–0646 and –1569. EPA has made, and will continue to make, these materials generally available through <http://www.regulations.gov> and at the EPA Region III Office (please contact the

person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

VI. Statutory and Executive Order Reviews

A. General Requirements

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

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

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

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

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability,

EPA is not required to submit a rule report regarding this action under section 801.

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 13, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, which approves Maryland's SIP revision incorporating by reference a MDE order establishing a VOC emission standard for NGC, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 1, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

- 2. In § 52.1070, the table in paragraph (d) is amended by adding the entry "National Gypsum Company" at the end of the table to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(d) EPA approved state source-specific requirements.

¹ 62 FR 27968 (May 22, 1997).

Name of source	Permit number/ type	State effective date	EPA approval date	Additional explanation
* National (NGC).	* Gypsum Company Departmental Order	* 3/11/2016	* 5/14/2018 [Insert Federal Register citation].	* The SIP approval includes specific alternative volatile organic compound emission limits and other conditions for NGC as established by the Departmental Order.

* * * * *

[FR Doc. 2018–09889 Filed 5–11–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0716; FRL–9977–26–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Interstate Transport Requirements for the 1997 and 2006 PM_{2.5} NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving portions of three Texas State Implementation Plan (SIP) submittals pertaining to CAA requirements to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 and 2006 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) in other states.

DATES: This rule is effective on June 13, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2016–0716. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Carl Young, 214–665–6645, young.carl@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our February 14, 2018 proposal (83 FR 6493). In that document we proposed to approve portions of three Texas SIP submittals pertaining to the CAA section 110(a)(2)(D)(i)(I) requirements based on our conclusion, which is consistent with the State’s ultimate conclusion, that emissions from Texas will not significantly contribute to nonattainment or interfere with maintenance of the 1997 and 2006 p.m. 2.5 NAAQS in other states. Specifically, we proposed to approve (1) the portions of the April 4, 2008 and May 1, 2008 SIP submittals for the 1997 PM_{2.5} NAAQS and (2) the portion of the November 23, 2009 submittal for the 2006 PM_{2.5} NAAQS, as they pertain to CAA section 110(a)(2)(D)(i)(I).

We received comments in support of our proposal from the Texas Commission on Environmental Quality (TCEQ) and Vistra Energy Corporation. TCEQ also noted in their comments that they disagree with EPA’s method for determining significant contribution to nonattainment or interference with maintenance of the NAAQS in other states. We acknowledge the State’s position and welcome continued discussion and collaboration between EPA and the State on the issue.

II. Final Action

We are approving the portions of the April 4, 2008 and May 1, 2008 SIP submittals for the 1997 PM_{2.5} NAAQS and the portion of the November 23, 2009 submittal for the 2006 PM_{2.5} NAAQS, as they pertain to CAA requirements to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 and 2006 PM_{2.5} NAAQS in other states.

III. Statutory and Executive Order Reviews

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

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

application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 13, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: May 8, 2018.

Anne Idsal,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

- 2. In § 52.2270(e), in the second table, titled “EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP,” revise the entry for “Infrastructure and Interstate Transport for the 1997 Ozone and the 1997 and 2006 PM_{2.5} NAAQS” to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Infrastructure and Interstate Transport for the 1997 Ozone and the 1997 and 2006 PM _{2.5} NAAQS.	Statewide	12/12/2007, 3/11/2008, 4/4/2008, 5/1/2008, 11/23/2009.	12/28/2011, 76 FR 81371.	Approval for CAA elements 110(a)(2)(A), (B), (E), (F), (G), (H), (K), (L), and (M). Full approval for CAA elements 110(a)(2)(C), (D)(i)(II), (D)(ii) and (J) with approval of the GHG PSD revision (11/10/2014, 79 FR 66626). 1997 and 2006 PM _{2.5} element D(i)(I) approved 5/14/2018, [Insert Federal Register citation].
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

[FR Doc. 2018–10162 Filed 5–11–18; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[WC Docket No. 17–84; FCC 17–154]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission’s discontinuance rules. This document is consistent with the Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 17–154, which stated that the Commission would publish a document

in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to 47 CFR 51.325, 51.329, 51.332, and 51.333, published at 82 FR 61453, December 28, 2017, are effective on May 14, 2018.

FOR FURTHER INFORMATION CONTACT: Michele Levy Berlove, Attorney Advisor, Wireline Competition Bureau, at (202) 418–1477, or by email at Michele.Berlove@fcc.gov. For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991 or nicole.ongele@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that, on May 1, 2018, OMB approved, for a period of three years, the information collection requirements relating to the network change disclosure rules contained in the Commission's Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 17–154, published at 82 FR 61453, December 28, 2017.

The OMB Control Number is 3060–0741. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–0741, in your correspondence. The Commission will also accept your comments via email at PRA@fcc.gov.

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

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on May 1, 2018, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 51. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0741.

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

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

OMB Control Number: 3060–0741.

OMB Approval Date: May 1, 2018.

OMB Expiration Date: May 31, 2021.

Title: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, GN Docket No. 17–84.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and

Responses: 5,357 respondents; 573,928 responses.

Estimated Time per Response: 0.5–4.5 hours.

Frequency of Response: On occasion reporting requirements; recordkeeping; third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority is contained in 47 U.S.C. 222 and 251.

Total Annual Burden: 575,448 hours.

Total Annual Cost: No cost(s).

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Section 251 of the Communications Act of 1934, as amended, 47 U.S.C. 251, is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. Section 222(e) is also designed to spur competition by prescribing requirements for the sharing of subscriber list information. These information collection requirements are designed to help implement certain provisions of sections 222(e) and 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, these information collection requirements will be used to implement (1) local exchange carriers' ("LECs") obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities; (2) incumbent local exchange carriers' ("ILECs") duty to make network information disclosures; and (3) numbering administration. The Commission estimates that the total annual burden of the entire collection, as revised, is 575,448 hours. This revision relates to a change in one of many components of the currently approved collection—specifically, certain reporting, recordkeeping and/or third party disclosure requirements under section 251(c)(5). In November 2017, the Commission adopted new rules concerning certain information collection requirements implemented

under section 251(c)(5) of the Act, pertaining to network change disclosures. Most of the changes to those rules apply specifically to a certain subset of network change disclosures, namely notices of planned copper retirements. In addition, the changes removed a rule that prohibits incumbent LECs from engaging in useful advanced coordination with entities affected by network changes. The changes are aimed at removing unnecessary regulatory barriers to the deployment of high-speed broadband networks. As a result of these changes, the total annual burden hours have been reduced by 392 hours.

The Commission estimates that the revision does not result in any additional outlays of funds for hiring outside contractors or procuring equipment.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2018–09971 Filed 5–11–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 17–196; RM–11794; DA 18–365]

Radio Broadcasting Services; Cora, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Wind River Broadcasting, Inc., the Audio Division amends the FM Table of Allotments by adding Channel 274C2 at Cora, Wyoming. We find that the public interest would be served by allotting a first local service at Cora, Wyoming. A staff engineering analysis indicates that Channel 274C2 can be added at Cora, Wyoming, as proposed, consistent with the minimum distance separation requirements of the Commission's rules without a site restriction. The reference coordinates are 43–03–24 NL and 110–08–07 WL.

DATES: Effective May 28, 2018.

FOR FURTHER INFORMATION CONTACT: Adrienne Y. Denysyk, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 17–196, adopted March 2, 2018, and released March 2, 2018. The full text of this Commission decision is available for

inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street SW, Washington, DC 20554. The full text is also available online at <http://apps.fcc.gov/ecfs/>. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336, and 339.

■ 2. Section 73.202(b), the table is amended under Wyoming, by adding Cora, Channel 274C2, in alphabetical order to read as follows:

§ 73.202 Table of Allotments.

*	*	*	*	*
(b) * * *				
				Channel No.
*	*	*	*	*
Wyoming				
*	*	*	*	*
Cora				274C2
*	*	*	*	*

[FR Doc. 2018-10181 Filed 5-11-18; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170720688-8385-02]

RIN 0648-BH07

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Management Measures; Amendment 47

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

ACTION: Final rule.

SUMMARY: NMFS hereby issues regulations to implement management measures described in Amendment 47 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council) (Amendment 47). This final rule revises the stock annual catch limit (ACL) for vermilion snapper. Additionally, Amendment 47 establishes a proxy for the estimate of the stock maximum sustainable yield (MSY). The purpose of this final rule is to revise the stock ACL for vermilion snapper in the Gulf of Mexico (Gulf) consistent with the most recent stock assessment.

DATES: This final rule is effective June 13, 2018.

ADDRESSES: Electronic copies of Amendment 47, which includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2017/am47/docs/PDFs/gulf_reef_am47_vermilion_final.pdf.

FOR FURTHER INFORMATION CONTACT: Lauren Waters, Southeast Regional Office, NMFS, telephone: 727-824-5305; email: Lauren.Waters@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery, which includes vermilion snapper, under the FMP. The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On December 19, 2017, NMFS published a notice of availability for Amendment 47 and requested public comment (82 FR 60168). On December 27, 2017, NMFS published a proposed rule for Amendment 47 and requested public comment (82 FR 61241). The proposed rule and Amendment 47 outline the rationale for the actions contained in this final rule. Unless noted, all weights described in this final rule are in round weight. A summary of the management measure described in Amendment 47 and implemented by this final rule is provided below.

In 2016, a Southeast Data, Assessment, and Review (SEDAR) standard assessment for vermilion snapper was conducted (SEDAR 45) and the stock status was evaluated using several MSY proxies. Under all proxies evaluated in SEDAR 45, overfishing was not occurring and the stock was not overfished. The Council's Scientific and Statistical Committee (SSC) determined that the most appropriate proxy for MSY is the yield when fishing at a mortality rate corresponding to 30 percent spawning potential ratio ($F_{30\%}$ SPR).

SEDAR 45 also included projections for the overfishing limit and the acceptable biological catch (ABC). The SSC provided the Council two recommendations for ABC: One that is derived from fishing at 75 percent of the MSY proxy and results in a declining ABC from 2017 through 2021, and one that is derived using the average of 2017-2021 ABCs and results in a constant ABC. The two ABC recommendations are equivalent in terms of maintaining the stock status and the Council selected the constant catch scenario that yielded an ABC of 3.11 million lb (1.41 million kg).

Management Measure Contained in This Final Rule

This final rule revises the stock ACL for Gulf vermilion snapper consistent with the results of SEDAR 45 and the SSC's new ABC recommendation. The current ACL of 3.42 million lb (1.55 million kg), exceeds the ABCs recommended by the Council's SSC. Therefore, the Council determined that the ACL for vermilion snapper should be decreased to equal the constant catch ABC and this final rule will set the stock ACL at 3.11 million lb (1.41 million kg).

Measures in Amendment 47 Not Codified Through This Final Rule

In addition to the measure implemented through this final rule, Amendment 47 establishes a proxy for vermilion snapper MSY.

For vermilion snapper, the Council's SSC recommended that a proxy be used

for MSY. The Council's SSC recommended F_{30%} SPR as the MSY proxy from SEDAR 45, and the Council agreed. Under this proxy, the stock is not overfished or undergoing overfishing.

Comments and Responses

NMFS received 19 comments from individuals on the notice of availability and proposed rule for Amendment 47. Some comments addressed issues beyond the scope of Amendment 47 or the proposed rule and, therefore, are not responded to here. Specific comments related to Amendment 47 and the proposed rule are grouped by topic and are summarized and responded to below.

Comment 1: Several commenters stated that the vermilion snapper stock ACL should not be reduced. One noted that the vermilion snapper stock is not overfished or undergoing overfishing and another stated the ACL should not be reduced just because the annual vermilion snapper harvest has been less than the current ACL. One commenter expressed concern that reducing the ACL would lead the stock to become overfished.

Response: NMFS disagrees that the vermilion snapper stock ACL should not be reduced. Regardless of a stock's overfished or overfishing status, or its prior landings history, the Council is required to set the ACL equal to or less than the ABC recommended by the SSC. The current ACL of 3.42 million lb (1.55 million kg) was established in 2012 using mean landings during 1999–2008, plus one standard deviation (76 FR 82044; December 29, 2011). In 2016, the SEDAR 45 assessment for vermilion snapper was conducted. Based on the assessment results and the recommended MSY proxy, the SSC provided two ABC recommendations: An ABC that declined from 3.21 million lb (1.46 million kg) to 3.03 million lb (1.37 million kg) by 2021, or a constant catch ABC of 3.11 million lb (1.41 million kg). Setting the catch level consistent with either recommendation is expected to prevent overfishing and prevent the stock from becoming overfished. The Council chose to set the ACL equal to the constant catch ABC to maintain stability for fishery participants while providing the maximum allowable harvest.

Comment 2: Reducing the stock ACL will result in an in-season closure for vermilion snapper, or at least, increase the likelihood of such a closure.

Response: The revised stock ACL may increase the likelihood of a closure. The current AM for vermilion snapper requires NMFS to close the commercial

and recreational fishing seasons if the combined commercial and recreational landings reach or are projected to reach the stock ACL. From 2012 to 2016, annual vermilion snapper landings were less than the previous ACL of 3.42 million lb (1.55 million kg), with no definitive trend in landings. Preliminary total landings for 2017 are 3.22 million lb (1.46 million kg). Therefore, if the stock ACL of 3.11 million lb (1.41 million kg), implemented in this final rule had been effective in 2017, an in-season closure may have occurred in December 2017. However, as explained in the response to *Comment 1*, the reduction in the ACL is required as a result of the most recent stock assessment results and ABC recommendation from the Council's SSC regardless of the possibility of an in-season closure.

Comment 3: Reducing the ACL could negatively impact small businesses in the charter vessel/headboat (for-hire) industry.

Response: NMFS acknowledges that there is the potential for a vermilion snapper closure prior to the end of the fishing year as a result of the revised stock ACL, and that such a closure could result in some negative impacts on for-hire businesses. However, based on landings since 2012, NMFS expects that any closure would occur very late in the fishing year. Additionally, vermilion snapper is only one species within the reef fishery management unit and, therefore, any closure will not impact the ability to harvest the other reef fish species targeted on for-hire trips. For these reasons, NMFS does not expect this final rule to result in any substantial effects on for-hire trips.

Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is consistent with Amendment 47, the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by 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 rule would not have a significant adverse

economic impact on a substantial number of small entities. The factual basis for that determination was published in the proposed rule.

One public comment (*Comment 3*) stated that the charter vessel and head boat industry is very important to the Panama City Beach area of Florida, and that the action of reducing the ACL could affect many small businesses there. The RFA requires evaluating the direct economic impacts of a rule on small entities. Only recreational fishers and commercial fishing businesses would be directly affected by the rule and as explained in the classification summary, anglers (recreational fishers) are not considered small entities as that term is defined in 5 U.S.C. 601(6).

The determination that this rule would not have a significant adverse economic impact on a substantial number of small entities relied, in part, on the expectation that landings of vermilion snapper would continue to be less than the stock ACL of 3.11 million lb (1.41 million kg), implemented through this final rule. After publication of the proposed rule, preliminary landings of the stock for 2017 were released, which exceed the proposed reduced ACL of 3.11 million lb (1.41 million kg). Consequently, an updated analysis was performed to reassess the economic impacts on small businesses. The updated analysis reaffirmed the conclusion that the rule will not have a significant adverse economic impact on a substantial number of small entities. Its factual basis is as follows.

Any business that operates a commercial fishing vessel that harvests vermilion snapper in the Gulf exclusive economic zone (EEZ) must have a valid Federal Gulf commercial reef fish permit that is specifically assigned to that vessel. The permit is a limited access permit. From 2012 through 2016, an annual average of 347 permitted vessels landed vermilion snapper. It is estimated that those vessels are operated by 248 to 252 businesses in the commercial fishing industry.

Many businesses with vessels with a Gulf reef fish permit operate in multiple industries. For example, 10 percent of the businesses have Federal dealer permits indicating they are also in the fish/seafood merchant wholesalers (NAICS 424460) industry. Also, approximately 26 percent of the businesses have at least one vessel with a for-hire Gulf reef fish permit, which indicates they also operate in the for-hire fishing industry (NAICS 487210).

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is

commercial fishing. A business primarily involved in commercial fishing (NAICS 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of \$11 million for all of its affiliated operations worldwide. The average federally permitted vessel that landed vermilion snapper from 2012 through 2016 had annual dockside revenue from landings of all species that varied by gear from \$24,399 to \$323,916 (2016 \$). Based on those averages and the estimates of individual fleet sizes that range from one to 16, it is concluded that most to all of the businesses that harvest vermilion snapper from the Gulf EEZ are small businesses.

Amendment 47 will establish an MSY proxy for vermilion snapper and that has no direct impact on any small business.

This final rule will also decrease the stock ACL of vermilion snapper. The stock ACL is and has been 3.42 million lb (1.55 million kg) since 2012. This final rule decreases the stock ACL to 3.11 million lb (1.41 million kg).

The fishing year for vermilion snapper begins January 1 and ends on December 31 each year. If combined commercial and recreational landings reach or are projected to reach the stock ACL, the fishing season is closed early.

Since 2012, when this in-season closure provision was put in place, there have been no early closures because combined annual commercial and recreational landings have been less than the stock ACL. However, 2012 and 2017 landings exceeded 3.11 million lb (1.41 million kg).

Although there is expected to be no early closure, this analysis includes consideration for what could be the impact on small businesses if the season closed by the middle of December. A mid-December closure could reduce vermilion snapper landings by up to 4.5 percent. The average vessel from 2012 through 2016 would lose approximately 186 lb (84 kg), gutted weight, of vermilion snapper with a dockside value of \$588 (2016 \$) annually. That \$588 represents 0.4 percent of annual dockside revenue from all species landed by that average vessel. When evaluated by gear type, the average annual loss of dockside revenue would vary from \$6 to \$861 per vessel (in 2016 dollars), with the largest loss by the average vessel that harvests vermilion snapper using bandit gear. The percentage annual loss would range from 0.01 percent to 0.62 percent of average annual dockside revenue per vessel, with the largest loss to vessels using bandit gear.

From those percentages, it is concluded that there would not be a significant adverse economic impact on

a substantial number of small businesses and, hence, the prior certification still stands.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Recreational, Vermilion snapper.

Dated: May 8, 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 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.41, revise the last sentence of paragraph (j) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(j) * * * The stock ACL for vermilion snapper is 3.11 million lb (1.41 million kg), round weight.

* * * * *

[FR Doc. 2018-10157 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 83, No. 93

Monday, May 14, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1255

[Doc. No. AMS–SC–16–0112;
PR–A1, PR–B]

Organic Research, Promotion, and Information Order; Termination of Rulemaking Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; termination of proceeding.

SUMMARY: This action terminates a rulemaking proceeding that proposed to establish a national research and promotion program for certified organic products under authority of the Commodity Promotion, Research and Information Act of 1996 (1996 Act). The program was proposed by the proponent group, the Organic Trade Association (OTA). Based on uncertain industry support for and outstanding substantive issues with the proposed program, USDA is terminating the proceeding.

DATES: This termination is made on May 15, 2018.

ADDRESSES: Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington DC 20250–0244.

FOR FURTHER INFORMATION CONTACT: Heather Pichelman, Division Director, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, see **ADDRESSES**; Telephone: (202) 720–9915, Fax: (202) 205–2800, or Email: Heather.Pichelman@ams.usda.gov.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding include: A proposed rule published in the **Federal Register** on January 18, 2017 (82 FR 5746), which provided a 60-day comment period that ended on March 20, 2017. On February 27, 2017, a document was published in the **Federal Register** that extended the comment

period until April 19, 2017 (82 FR 11854).

Preliminary Statement

The 1996 Act authorizes USDA to establish agricultural commodity research and promotion orders which may include a combination of promotion, research, industry information, and consumer information activities funded by mandatory assessments. Section 10004 of the Agricultural Act of 2014 (2014 Farm Bill) (Pub. L. 113–79) amended section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401), which authorizes generic commodity promotion programs under the various commodity promotion laws, to allow for an organic commodity promotion order.

On May 15, 2015, USDA received a proposal for a national research and promotion program for certified organic products from OTA. OTA is a membership-based trade organization representing growers, processors, certifiers, farmers associations, distributors, importers, exporters, consultants, retailers, and others involved in the organic sector.

OTA proposed a program that would be financed by an assessment on certified organic products and administered by a board of industry members selected by the Secretary of Agriculture. The purpose of the program would be to strengthen the position of certified organic products in the marketplace, support research to benefit the organic industry, and improve access to information and data across the organic sector.

A proposed rule consisting of OTA's proposal was published in the **Federal Register** on January 18, 2017 (82 FR 5746), which provided a 60-day comment period that ended on March 20, 2017. On February 27, 2017, a document was published in the **Federal Register** that extended the comment period until April 19, 2017 (82 FR 11854). The proposed rule included a request for comments on substantive aspects of the proposed program, including the support for, and method of, assessing imports; the approach for calculating assessments including how “dual-covered commodities” would be handled; and the de minimis exemption level.

In response to the proposed rule, USDA received almost 15,000

comments. The comments revealed that there is a split within the industry in terms of support for the proposed program. While some comments voiced support for a collective industry program, other comments stated that industry was not aligned in backing the proposal. Opponents raised concerns about the proposed program, including how the de minimis level would eliminate a majority of organic farmers from the program; the disproportionate impact on high value commodities as assessments would be tied to sales value; whether organic promotion is possible without being disparaging to other agricultural commodities; voting methodology; financial burden on small entities to comply; and cited the challenges to tracing imported organic products. Both those in support of, and those in opposition to the proposed program requested changes to the method of assessment for imports and a reduction in the paperwork burden on covered entities. Other outstanding significant issues with the proposal are the assessment of non-food products and products “made with (specified ingredients)”.

Research and promotion programs are brought about by collective and united industry action. The comments received on the proposed organic program disclosed divergent views within the organic industry. Based on uncertain industry support for and unresolved issues with the proposed program, USDA is terminating the proceeding. This action also terminates the rulemaking procedure on the proposed referendum procedures (82 FR 5438).

Termination of this rulemaking proceeding will remove ex parte communication prohibitions and allow USDA to engage fully with all interested parties to discuss and consider the evolving needs of the industry going forward. Based on the above, USDA is terminating this rulemaking proceeding.

Regulatory Flexibility Act and Paperwork Reduction Act

As part of the proceeding conducted for this rulemaking, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601–612) and the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35) were considered. Because this action terminates the underlying rulemaking proceeding, the economic conditions of small entities are not changed as a result

of this action, nor have any compliance requirements changed. Also, this action does not provide for any new or changed reporting and recordkeeping requirements. Accordingly, all supporting forms for the proposed program will be withdrawn.

Termination of Proceeding

In view of the foregoing, it is hereby determined that the rulemaking proceeding proposing to establish a national research and promotion program for certified organic products should be and is hereby terminated.

List of Subjects in 7 CFR Part 1255

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Organic, Promotion, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

Dated: May 8, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–10131 Filed 5–11–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

Docket No. FAA–2015–0310; Notice No. 25–18–02–SCJ

Special Conditions: Gulfstream Aerospace Corporation Model GVII–G500 Series Airplanes; Flight Envelope Protection—High Incidence Protection System.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Gulfstream Aerospace Corporation (Gulfstream) Model GVII–G500 series airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology and design envisioned in the airworthiness standards for transport category airplanes. This design feature is a high incidence protection system that limits the angle of attack at which the airplane can be flown during normal low speed operation. 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: Send your comments on or before June 4, 2018.

ADDRESSES: Send comments identified by docket number FAA–2015–0310 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, Airframe & Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 SE 216th Street, Des Moines, Washington 98098; telephone and facsimile 206–231–3158; email Joe.Jacobsen@faa.gov.

SUPPLEMENTARY INFORMATION: Certification of the Gulfstream Model GVII–G500 series airplanes is currently scheduled for July 2018. Because a delay in design approval would

significantly affect the certification of the airplane and thus delivery of the airplane, we are shortening the public-comment period to 20 days.

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 June 30, 2013, Gulfstream Aerospace Corporation applied for a type certificate for its new Model GVII–G500 series airplane. The Gulfstream Model GVII–G500 series airplane will be a business jet with seating for up to 19 passengers. It will incorporate a low, swept-wing design with a T-tail. The powerplant will consist of two aft-fuselage-mounted turbofan engines. The Gulfstream Model GVII–G500 series airplane's maximum takeoff weight will be approximately 79,600 lbs.

The high incidence protection system prevents the airplane from stalling at low speeds and, therefore, a stall warning system is not needed during normal flight conditions.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream Aerospace Corporation must show that the Model GVII–G500 series airplane meets the applicable provisions of 14 CFR part 25, as amended by amendments 25–1 through 25–137.

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 Gulfstream Model GVII–G500 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Gulfstream Model GVII–

G500 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Gulfstream Model GVII–G500 series airplane will incorporate the following novel or unusual design feature: A high incidence protection system, which limits the angle of attack at which the airplane can be flown during normal low speed operation, prohibits the airplane from stalling, and cannot be overridden by the flightcrew. The application of this angle of attack limit influences the stall speed determination, stall characteristics, stall warning demonstration, and longitudinal handling characteristics of the airplane. Existing airworthiness regulations do not contain adequate standards to address this feature.

Discussion

The high incidence protection system prevents the airplane from stalling at low speeds and, therefore, a stall warning system is not needed during normal flight conditions. However, during failures, which are not shown to be extremely improbable, the requirements of §§ 25.203 and 25.207 apply, although slightly modified by these conditions. If there are failures of the high incidence protection system that are not shown to be extremely improbable, the flight characteristics at the angle of attack for C_{LMAX} must be suitable in the traditional sense, and stall warning must be provided in a conventional manner.

Part I of the following special conditions is in lieu of §§ 25.21(b), 25.103, 25.145(a), 25.145(b)(6), 25.175(c) and (d), 25.201, 25.203, 25.207, and 25.1323(d). Part II is in lieu of §§ 25.21(g)(1), 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).

These proposed special conditions address this novel or unusual design feature on the Gulfstream Model GVII–G500 airplane, 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.

These proposed special conditions are different from special conditions

previously issued on this topic. In Part 1, sections 3.b.iv., 3.b.vi., 3.e.vi., 5.a.i.1., 5.a.i.4., 5.a.i.6., 5.a.i.7., 5.c.i.4., 5.c.i.5., 5.c.i.6, 5.c.ii.4., and 5.cii.5., previously used verbiage was updated to reflect language recommended in the ARAC Flight Test Harmonization Working Group (FTHWG) Phase 2 report. This language more accurately describes the actions required and formulas to be used to obtain the required result. In Part 1, sections 3.b.ii and 5.a.ii.4., the ARAC FTHWG language was adapted to reflect specific Gulfstream design features.

In several previous special conditions on this subject, we used the nomenclature V_{CLMAX} . To avoid confusion with previous Gulfstream special conditions, we have changed the nomenclature to $V_{CLMAX Demo}$ to highlight a difference. The difference is not significant, but the change in nomenclature was considered clarifying and therefore was adopted in this instance.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVII–G500 series airplanes. Should Gulfstream Aerospace Corporation 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 Gulfstream Model GVII–G500 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.

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Gulfstream Model GVII–G500 series airplanes.

Part I: Stall Protection and Scheduled Operating Speeds

In the following sections, “in icing conditions,” means with ice accretions (relative to the relevant flight phase) as defined in appendix C to part 25, at amendment 25–121.

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:

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.

Alpha-Limit

The maximum angle of attack at which an airplane stabilizes with the high incidence protection system operating and the longitudinal control held on its aft stop.

V_{MIN}

The minimum steady flight speed in the airplane's configuration under consideration with the high incidence protection system operating. See Part I, Section 3, “Minimum Steady Flight Speed and Reference Stall Speed,” of these special conditions.

V_{MINig}

V_{MIN} corrected to 1g acceleration of gravity conditions. See Part I, Section 3, “Minimum Steady Flight Speed and Reference Stall Speed,” of these special conditions. This 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 testing, simulation, or analysis as appropriate. The capability and reliability required are:

a. It must not be possible to encounter a stall during the pilot-induced maneuvers required by Part I, section 5(a), “High Incidence Handling Demonstrations,” and the handling characteristics must be acceptable as required by Part I, section 5(b), “Characteristics in High Incidence Maneuvers” 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 Section 6, “Atmospheric Disturbances” 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, “Stall speed,” the following applies:

a. The minimum steady flight speed, V_{MIN} , is the final, stabilized, calibrated airspeed obtained when an 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;

iii. All combinations of flap settings and landing gear positions for which V_{MIN} is required to be determined;

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

v. The most unfavorable center of gravity (CG) allowable; and

vi. The airplane trimmed for straight flight at a speed selected by the applicant, but not less than $1.13 V_{SR}$ and not greater than $1.3 V_{SR}$.

c. The 1g minimum steady flight speed, V_{MIN1g} , is the minimum calibrated airspeed at which an 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 referenced in section 3(a) of this special condition is determined. These minimum calibrated airspeeds must be determined for both 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 1g stall speed. V_{SR} must be determined in non-icing conditions and expressed as:

$$V_{SR} \geq \frac{V_{CLMAX Demo}}{\sqrt{n_{ZW}}}$$

Where:

$V_{CLMAX Demo}$ = Demonstrated calibrated airspeed obtained when the corrected lift coefficient of the load factor

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

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

n_{ZW} = Load factor normal to the flight path at $V_{CLMAX Demo}$

W = Airplane gross weight;

S = Aerodynamic reference wing area; and

q = Dynamic pressure.

e. $V_{CLMAX Demo}$ 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 CG position that results in the highest value of the reference stall speed;

v. The airplane trimmed for straight flight at a speed selected by the applicant, but not less than $1.13 V_{SR}$ and not greater than $1.3 V_{SR}$;

vi. At the option of the applicant, the high incidence protection system can be disabled or adjusted to allow full development of the maneuver to the angle of attack corresponding to V_{SR} ; and

vii. Starting from the stabilized trim condition, with an application of 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 apply:

a. Normal Operation

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

b. 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 sections 2(a), (b), and (c) of Part I of these special conditions: The design must provide stall warning that protects against encountering unacceptable characteristics and against encountering stall.

i. This stall warning, with the flaps and landing gear in any normal position, must be clear and distinctive to the pilot, and must meet the requirements specified in sections 4(b)(iv) and 4(b)(v) of Part I of these special conditions.

ii. 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.

iii. The design may furnish this stall warning either through the inherent aerodynamic qualities of the airplane or by a device that will provide clearly distinguishable indications to the flightcrew under all expected conditions of flight. However, a visual stall warning device that requires the attention of the flightcrew 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 section 4(b)(i), above, and for the conditions prescribed in sections 4(b)(iv) and 4(b)(v) of Part I of these special conditions.

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

1. 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; and

2. In turning flight, stall deceleration at entry rates up to 3 knots per second when recovery is initiated not less than 1 second after the warning onset.

v. In icing conditions, the 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.

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

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

2. Buffeting of a magnitude and severity that is strong and thereby an

effective deterrent to further speed reduction; or

3. 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.

vii. An airplane 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

a. High Incidence Handling Demonstrations

In lieu of § 25.201, “Stall demonstration,” the following is required:

i. 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:

1. The high incidence protection system operating normally;
2. Initial power conditions of:
 - a. Power off; and
 - b. Power necessary to maintain level flight at $1.5 V_{SR1}$, where V_{SR1} is the reference stall speed with flaps in approach position, landing gear retracted, and maximum landing weight;
3. None;
4. Flaps, landing gear, and deceleration devices in any likely combination of positions not prohibited by the airplane flight manual (AFM);
5. Representative weights within the range for which certification is requested;
6. The most adverse CG for recovery; and
7. The airplane trimmed for straight flight at the speed prescribed in section 3(e)(v) of these special conditions.

ii. The following procedures must be used to show compliance in non-icing and icing conditions:

1. 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.
2. 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.
3. Maneuvers with increased deceleration rates:

a. 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.

b. 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 three knots per second.

4. Maneuvers with ice accretion prior to normal operation of the ice protection system:

For flight in icing conditions before the ice protection system has been activated and is performing its intended function, the handling demonstration requirements identified in section 5(a)(i) must be satisfied using the procedures specified in sections 5(a)(ii)(1) and 5(a)(ii)(2) of these special conditions. The airplane configurations required to be tested must be in accordance with the limitations and procedures for operating the ice protection system provided in the AFM, per § 25.21(g)(1), as modified by and Part II of these special conditions.

b. Characteristics in High Incidence Maneuvers

In lieu of § 25.203, “Stall characteristics,” the following apply:

i. 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:

1. There must not be any abnormal nose-up pitching;
2. 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;
3. 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; and
4. The airplane must not exhibit buffeting of a magnitude and severity that would act as a deterrent from completing the maneuver specified in section 5(a)(i) of these special conditions.

ii. 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.

iii. It must always be possible for flightcrew to reduce incidence by conventional use of the controls.

iv. 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.

c. Characteristics Up to the Maximum Lift Angle of Attack

In addition to the requirements in section 5(b) of this special condition, the following requirements apply:

i. In non-icing conditions, maneuvers with a rate of deceleration of not more than 1 knot per second, up to the angle of attack corresponding to V_{SR} obtained using sections 3(d) and (e) of this special condition, must be demonstrated in straight flight and in 30-degree banked turns in the following configurations:

1. The high incidence protection system deactivated or adjusted, at the option of the applicant, to allow higher incidence than is possible with the normal production system;
2. Automatic-thrust-increase system inhibited (if applicable);
3. Engines idling;
4. Flaps, landing gear, and deceleration devices in any likely combination of positions not prohibited by the AFM;
5. The most adverse CG for recovery; and
6. The airplane trimmed for straight flight at the speed prescribed in section 3(e)(v) of this special condition.
- ii. 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 section 5(a)(ii)(3)(b) must be demonstrated in straight flight with:
 1. The high incidence protection system deactivated or adjusted, at the option of the applicant, to allow higher incidence than is possible with the normal production system;
 2. Automatic-thrust-increase system inhibited (if applicable);
 3. Engines idling;
 4. Flaps, landing gear, and deceleration devices in any likely combination of positions not prohibited by the AFM;
 5. The most adverse CG for recovery; and
 6. The airplane trimmed for straight flight at the speed prescribed in section 3(e)(v) of this special condition.

iii. During the maneuvers used to show compliance with sections 5(c)(i) and 5(c)(ii) of Part I of these special conditions, the airplane must not exhibit dangerous characteristics and it must always be possible for flightcrew 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 airplane 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. None

8. Proof of Compliance

Add the following requirement to that of § 25.21:

(b) The flying qualities will be evaluated at the most unfavorable CG position.

9. The Design Must Meet the Following Modified Requirements

14 CFR section	Change
25.145(a)	"V _{MIN} " in lieu of "stall identification".
25.145(b)(6)	"V _{MIN} " in lieu of "V _{SW} ".
25.175(c) and (d).	"V _{MIN} " in lieu of "V _{SW} ".
25.1323(d)	"From 1.23 V _{SR} to V _{MIN} " in lieu of "From 1.23 V _{SR} to the speed at which stall warning begins;" and "speeds below V _{MIN} " in lieu of "speeds below stall warning speed."

Part II: Credit for Robust Envelope Protection in Icing Conditions

1. In lieu of § 25.21(g)(1), the following applies:

(g) The requirements of this subpart associated with icing conditions apply only if certification for flight in icing conditions is desired. If certification for flight in icing conditions is desired, the following requirements also apply (see AC 25-25):

(1) Each requirement of this subpart, except §§ 25.121(a), 25.123(c), 25.143(b)(1) and (b)(2), 25.149, 25.201(c)(2), 25.207(c) and (d), and 25.251(b) through (e), must be met in icing conditions. Compliance must be shown using the ice accretions defined in appendix C to part 25, assuming normal operation of the airplane and its ice protection system in accordance with the operating limitations and operating procedures established by the

applicant and provided in the Airplane Flight Manual.

2. In lieu of § 25.103, "Stall speed," define the stall speed as provided in Special Conditions Part I, section 3, "Minimum Steady Flight Speed and Reference Stall Speed."

3. In lieu of § 25.105(a)(2)(i) to read as follows:

(2) In icing conditions, if in the configuration of § 25.121(b) with the "Takeoff Ice" accretion defined in appendix C to part 25:

(i) the V₂ speed scheduled in non-icing conditions does not provide the maneuvering capability specified in § 25.143(h) for the takeoff configuration, or

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

(c) In non-icing conditions, V₂, 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 appendix C to part 25, V₂ may not be less than—

1. The V₂ speed determined in non-icing conditions.

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 appendix C to part 25, 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).

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

§ 25.121 *Climb: One-engine inoperative:*

(b) Takeoff; landing gear retracted. In the takeoff configuration existing at the point of the flight path at which the

landing gear is fully retracted, and in the configuration used in § 25.111, but without ground effect,

* * *

2. The requirements of subparagraph (b)(1) of this section must be met:

* * *

(ii) In icing conditions with the "Takeoff Ice" accretion defined in appendix C of part 25, if in the configuration of § 25.121(b) with the "Takeoff Ice" accretion:

(A) The V₂ speed scheduled in non-icing conditions does not provide the maneuvering capability specified in § 25.143(h) for the takeoff configuration; or

(c) Final takeoff. In the en route configuration at the end of the takeoff path determined in accordance with § 25.111:

* * *

2. The requirements of subparagraph (c)(1) of this section must be met:

* * *

(ii) In icing conditions with the "Final Takeoff Ice" accretion defined in appendix C of part 25, if:

(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

(d) Approach. In a configuration corresponding to the normal all-engines operating procedure in which V_{SR} for this configuration does not exceed 110 percent of the V_{SR} for the related all-engines-operating landing configuration:

* * * * *

2. The requirements of sub-paragraph (d)(1) of this section must be met:

* * * * *

(ii) In icing conditions with the "Approach Ice" accretion defined in appendix C to part 25, in a configuration corresponding to the normal all-engines-operating procedure in which V_{MINig} for this configuration does not exceed 110% of the V_{MINig} 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).

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

§ 25.123 *En route flight paths:*

(b) The one-engine-inoperative net flight path data must represent the actual climb performance diminished by a gradient of climb of 1.1 percent for two-engine airplanes, 1.4 percent for three-engine airplanes, and 1.6 percent for four-engine airplanes.

* * * * *

2. In icing conditions with the "En route Ice" accretion defined in appendix C to part 25 if:

(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

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

§ 25.125 Landing.

(b) In determining the distance in (a):

* * * * *

2. A stabilized approach, with a calibrated airspeed of not less than V_{REF} , must be maintained down to the 50-foot height.

* * * * *

(ii) In icing conditions, V_{REF} may not be less than:

(A) The speed determined in subparagraph (b)(2)(i) of this section;

(B) A speed that provides the maneuvering capability specified in § 25.143(h) with the “Landing Ice” accretion defined in appendix C to part 25.

8. In lieu of § 25.143(j), the following applies:

§ 25.143 General.

(j) For flight in icing conditions—before the ice protection system has been activated and is performing its intended function—the following requirements apply:

(1) If activating the ice protection system depends on the pilot seeing a specified ice accretion on a reference surface (not just the first indication of icing), the requirements of § 25.143 apply with the ice accretion defined in part II(e) of appendix C to part 25.

(2) For other means of activating the ice protection system, it must be demonstrated in flight with the ice accretion defined in part II(e) of appendix C to part 25 that:

(i) The airplane is controllable in a pull-up maneuver up to 1.5 g load factor or lower if limited by AOA protection; and

(ii) There is no reversal of pitch control force during a pushover maneuver down to 0.5 g load factor.

9. In lieu of § 25.207, “Stall warning,” to read as the requirements defined in Part I of these special conditions.

Issued in Renton, Washington, on May 8, 2018.

Victor Wicklund,

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

[FR Doc. 2018–10168 Filed 5–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0364; Product Identifier 2017–NM–154–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 and A310 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This proposed AD was prompted by a determination that new or more restrictive maintenance requirements and airworthiness limitations are necessary. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 28, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of

this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0364; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2018–0364; Product Identifier 2017–NM–154–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0204, dated October 12, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Model A300 and A310 series airplanes, and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

The airworthiness limitations for the Airbus A300, A310, A300–600 and A300–

600ST family aeroplanes, which are approved by EASA, are currently defined and published in the Airbus A300, A310 and A300–600 Airworthiness Limitations Section (ALS) documents. The Safe Life Airworthiness Limitation Items are specified in the A300, A310 and A300–600 (including the A300–600ST) ALS Part 1 documents. These instructions have been identified as mandatory for continuing airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

EASA previously issued AD 2013–0248 [which corresponds to FAA AD 2015–22–05, Amendment 39–18310 (80 FR 69846, November 12, 2015) (“AD 2015–22–05”)] to require the implementation of the instructions and airworthiness limitations as specified in Airbus A300, A310 and A300–600 ALS Part 1 documents at Revision 01.

Since that [EASA] AD was issued, improvement of safe life component selection and life extension campaigns resulted in life limitations changes, among others new or more restrictive life limitations, approved by EASA. Consequently, Airbus published Revision 02 of the A300, A310 and A300–600 ALS Part 1, compiling all ALS Part 1, compiling all ALS Part 1 changes approved since previous Revision 01.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013–0248, which is superseded, and requires accomplishment of the actions specified in A300 ALS Part 1 Revision 02, A310 ALS Part 1 Revision 02 and A300–600 ALS Part 1 Revision 02.

This NPRM would require revising the maintenance or inspection program to incorporate certain maintenance requirements and airworthiness limitations. The unsafe condition is fatigue damage in principal structural elements, which could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0364.

Relationship Between Proposed AD and AD 2015–22–05

This NPRM would not supersede AD 2015–22–05. Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This NPRM would require revising the maintenance or inspection program, as applicable, to incorporate maintenance requirements and/or airworthiness limitations that are newer or more restrictive than those required by AD 2015–22–05. Accomplishment of the proposed actions would then terminate all requirements of AD 2015–22–05.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information, which describes

procedures for revising the maintenance or inspection program to incorporate new or more restrictive maintenance requirements and airworthiness limitations. These documents are distinct since they apply to different airplane models.

- For Model A300 series airplanes: Section 4, “Life Limits (LL)/Demonstrated Fatigue Lives (DF),” of Part 1, “Safe Life Airworthiness Limitation Items (SL–ALI),” Revision 02, dated August 28, 2017, of the Airbus Model A300 Airworthiness Limitations Section (ALS).

- For Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes): Section 4, “Life Limits (LL)/Demonstrated Fatigue Lives (DF),” of Part 1, “Safe Life Airworthiness Limitation Items (SL–ALI),” Revision 02, dated August 28, 2017, of the Airbus Model A300–600 Airworthiness Limitations Section (ALS).

- For Model A310 series airplanes: Section 4, “Life Limits (LL)/Demonstrated Fatigue Lives (DF),” of Part 1, “Safe Life Airworthiness Limitation Items (SL–ALI),” Revision 02, dated August 28, 2017, of the Airbus Model A310 Airworthiness Limitations Section (ALS).

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

FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

This proposed AD requires revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator

must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued damage tolerance of the affected structure.

Costs of Compliance

We estimate that this proposed AD affects 132 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

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

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2018–0364; Product Identifier 2017–NM–154–AD.

(a) Comments Due Date

We must receive comments by June 28, 2018.

(b) Affected ADs

This AD affects AD 2015–22–05, Amendment 39–18310 (80 FR 69846, November 12, 2015) (“AD 2015–22–05”).

(c) Applicability

This AD applies to Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and B4–622R airplanes; Model A300 F4–605R and F4–622R airplanes; Model A300 C4–605R Variant F airplanes; and Model A310–203,

–204, –221, –222, –304, –322, –324, and –325 airplanes; certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time limits/maintenance checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to prevent fatigue damage in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the applicable information specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, as applicable. The initial compliance times for accomplishing the tasks is at the applicable times specified in the applicable information specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, or within 90 days after the effective date of this AD, whichever occurs later.

(1) For Model A300 series airplanes: Section 4, “Life Limits (LL)/Demonstrated Fatigue Lives (DF),” of Part 1, “Safe Life Airworthiness Limitation Items (SL–ALI),” Revision 02, dated August 28, 2017, of the Airbus A300 Airworthiness Limitations Section (ALS).

(2) For Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes): Section 4, “Life Limits (LL)/Demonstrated Fatigue Lives (DF),” of Part 1, “Safe Life Airworthiness Limitation Items (SL–ALI),” Revision 02, dated August 28, 2017, of the Airbus A300–600 Airworthiness Limitations Section (ALS).

(3) For Model A310 series airplanes: Section 4, “Life Limits (LL)/Demonstrated Fatigue Lives (DF),” of Part 1, “Safe Life Airworthiness Limitation Items (SL–ALI),” Revision 02, dated August 28, 2017, of the Airbus A310 Airworthiness Limitations Section (ALS).

(h) No Alternative Actions or Intervals

After accomplishment of the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action

Accomplishing the actions required by paragraph (g) of this AD terminates all requirements of AD 2015–22–05.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0204, dated October 12, 2017, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0364.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on April 27, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–09980 Filed 5–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2018-0365; Product Identifier 2017-NM-155-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, and Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes), and Model A310 series airplanes. This proposed AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 28, 2018.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0365; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2018-0365; Product Identifier 2017-NM-155-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017-0203, dated October 12, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, and Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes), and Model A310 series airplanes. The MCAI states:

Maintenance requirements and airworthiness limitations for the Airbus A310, A300-600 and A300-600ST family aeroplanes, which are approved by EASA, are currently defined and published in the

Airbus A310 and A300-600 Airworthiness Limitations Section (ALS) documents. Certification Maintenance Requirements (CMR) for the Airbus A310 and A300-600, which are approved by EASA, are specified in the Airbus A310 and A300-600 (including A300-600ST) ALS Part 3 documents. These instructions have been identified as mandatory for continuing airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

EASA previously issued [EASA] AD 2013-0072 [which corresponds to FAA AD 2015-08-06, Amendment 39-18142 (80 FR 23230, April 27, 2015) (“AD 2015-08-06”)] to require the implementation of the maintenance requirements and associated airworthiness limitations as specified in Airbus A310 and A300-600 ALS Part 3 documents at original issue.

Since that [EASA] AD was issued, new or more restrictive maintenance requirements and airworthiness limitations were approved by EASA. Consequently, Airbus published Revision 01 of the A310 ALS Part 3 and A300-600 ALS Part 3, compiling all ALS Part 3 changes approved since original issue.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013-0072, which is superseded, and requires accomplishment of the actions specified in A310 ALS Part 3 Revision 01 and A300-600 ALS Part 3 Revision 01.

This NPRM would require revising the maintenance or inspection program to incorporate certain maintenance requirements and airworthiness limitations. We are issuing this AD to prevent safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition of avionics, hydraulic systems, fire detection systems, fuel systems, or other critical systems. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0365.

Relationship Between Proposed AD and AD 2015-08-06

This NPRM would not supersede AD 2015-08-06. Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This NPRM would require revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. Accomplishment of the proposed actions would then terminate all requirements of AD 2015-08-06.

Related Service Information Under 14 CFR Part 51

Airbus has issued A300-600 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance

Requirements (CMR), Revision 01, dated August 28, 2017, and A310 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 01, dated August 28, 2017. This service information describes mandatory maintenance tasks that operators must perform at specified intervals. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

This proposed AD requires revisions to certain operator maintenance documents to include new actions (*e.g.*, inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued damage tolerance of the affected structure.

Costs of Compliance

We estimate that this proposed AD affects 127 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although this figure may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined

that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA-2018-0365; Product Identifier 2017-NM-155-AD.

(a) Comments Due Date

We must receive comments by June 28, 2018.

(b) Affected ADs

This AD affects AD 2015-08-06, Amendment 39-18142 (80 FR 23230, April 27, 2015) ("AD 2015-08-06").

(c) Applicability

This AD applies to all Airbus Model A300 B4-601, B4-603, B4-620, B4-622; Model A300 B4-605R and B4-622R airplanes; Model A300 F4-605R and F4-622R airplanes; Model A300 C4-605R Variant F airplanes; and Model A310-203, -204, -221, -222, -304, -322, -324, and -325 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to prevent safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition of avionics, hydraulic systems, fire detection systems, fuel systems, or other critical systems.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate Airbus A300-600 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance

Requirements (CMR), Revision 01, dated August 28, 2017; or Airbus A310 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 01, dated August 28, 2017; as applicable. The initial compliance time for accomplishing the actions is at the applicable time specified in Airbus A300–600 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 01, dated August 28, 2017; or Airbus A310 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 01, dated August 28, 2017; as applicable; or within 90 days after the effective date of this AD; whichever occurs later.

(h) No Alternative Actions or Intervals

After accomplishment of the revision required by paragraph (g) of this AD, no alternative actions (*e.g.*, inspections) or intervals, may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action

Accomplishing the actions required by paragraph (g) of this AD terminates all requirements of AD 2015–08–06.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0203, dated October 12, 2017, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0365.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on April 27, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–09981 Filed 5–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201 and 343

[Docket No. FDA–1977–N–0025]

Partial Withdrawal of Proposed Amendment to the Tentative Final Monograph for Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of partial withdrawal.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a partial withdrawal of a proposed rule published in the **Federal Register** of August 21, 2002 (2002 proposed rule). The proposed rule, if finalized, would have amended FDA's tentative final monograph (TFM) for over-the-counter (OTC) internal analgesic, antipyretic, and antirheumatic (IAAA) drug products to include ibuprofen as a generally recognized as safe and effective (GRASE) analgesic/antipyretic active ingredient for OTC use. FDA is withdrawing this proposed rule due to changes in our understanding of ibuprofen since FDA issued the proposed rule. FDA is not withdrawing those portions of the 2002 proposed rule to amend its regulations to include consistent pregnancy and allergy warnings for OTC IAAA drug products

containing nonsteroidal anti-inflammatory active ingredients.

DATES: As of May 14, 2018, FDA withdraws the proposed additions to §§ 343.3 and 343.10, and proposed revisions to §§ 343.20 and 343.50 published on August 21, 2002 (67 FR 54139).

ADDRESSES: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and insert the docket number found in brackets in the heading of this document into the “Search” box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Kevin Lorick, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5413, Silver Spring, MD 20993–0002, 301–796–6696, Kevin.Lorick@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 16, 1988 (53 FR 46204), FDA published a proposed rule in the form of a TFM that proposed conditions under which OTC IAAA drug products would be generally recognized as safe and effective and not misbranded. On August 21, 2002 (67 FR 54139), FDA published a proposed rule that would have amended that TFM to include ibuprofen as a proposed GRASE analgesic/antipyretic active ingredient for OTC use. The 2002 proposed rule, if finalized, would have allowed manufacturers to market ibuprofen drug products for OTC use without submission of a new drug application (NDA), if all conditions of the monograph and other requirements were satisfied. At that time, ibuprofen drug products were marketed OTC under NDAs or abbreviated new drug applications (ANDAs) approved by FDA. This is still the case today—all ibuprofen drug products in the OTC marketplace are covered by NDAs or ANDAs. FDA is not aware of any ibuprofen drug products marketed under the TFM.

In the same 2002 proposed rule, the Agency proposed to update FDA regulations in 21 CFR part 201 to include consistent pregnancy and allergy warnings for OTC IAAA drug products containing nonsteroidal anti-inflammatory active ingredients. This proposal, if finalized, would update pregnancy, allergy, and asthma statements required in the labeling of certain IAAA products. FDA is not

withdrawing that part of the proposed rule.

On September 20, 2002, FDA held a meeting of the Nonprescription Drugs Advisory Committee to discuss safety issues related to the use of aspirin and other OTC nonsteroidal anti-inflammatory drugs (NSAIDs), including ibuprofen.¹ Safety issues discussed included stomach bleeding. As a result of this meeting and subsequent FDA review of the data and additional comments submitted to the public docket (see Docket No. FDA-1977-N-0025), all OTC ibuprofen products marketed under NDAs and ANDAs bear warnings about gastrointestinal bleeding. Warnings state that the risk of bleeding is higher in persons who are age 60 or older, have stomach ulcers or bleeding problems, take a blood thinning (anticoagulant) or steroid drug, take other drugs containing prescription or nonprescription nonsteroidal anti-inflammatory drugs (NSAIDs), have three or more alcoholic drinks every day, or who take more or for a longer time than directed. These requirements are codified under 21 CFR 201.326(a)(2).

On February 10 and 11, 2014, FDA held a joint meeting of the Arthritis Advisory Committee and the Drug Safety and Risk Management Advisory Committee to discuss cardiovascular safety issues related to the use of NSAIDs, including ibuprofen.² Safety issues included increased risk of heart attack and stroke that may be worsened with using too much NSAID or using NSAIDs for longer than recommended. Thus, FDA sent letters on August 18, 2016, to all manufacturers of ibuprofen requesting supplements to their applications to update labels with this new safety information. All OTC ibuprofen products now include label warnings against increased risk of heart attack and stroke with the use of NSAIDs other than aspirin.

To help ensure the continued utility of the consumer labeling as it relates to the safety of nonprescription ibuprofen drug products, FDA carefully monitors adverse event reporting.

The safety issues that have arisen subsequent to the 2002 proposed rule have caused the Agency to question whether ibuprofen can be “generally recognized as safe and effective” for use as an active ingredient in OTC IAAA drug products. For this reason, the Agency is withdrawing the 2002 proposed amendments to 21 CFR part

343. Our withdrawal of the 2002 proposed amendment to the IAAA TFM has no effect on the continued approval and marketing of the NDA and ANDA OTC ibuprofen drug products. As noted above, FDA has addressed the safety issues associated with ibuprofen through the NDA and ANDA safety framework, which is different from the safety framework for drugs marketed under the OTC monograph framework.

FDA is not withdrawing those portions of the 2002 proposed rule to amend its regulations to include consistent pregnancy and allergy warnings for OTC IAAA drug products containing nonsteroidal anti-inflammatory active ingredients.

II. Partial Withdrawal of the Proposed Rule

For the reasons described in this document, FDA is withdrawing portions of the 2002 proposed rule, which would have amended the OTC IAAA TFM.

Dated: May 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-10194 Filed 5-11-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0348]

RIN 1625-AA00

Safety Zone; Lower Mississippi River, New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain navigable waters of the Lower Mississippi River. This action is necessary to provide for the safety of life on these navigable waters near New Orleans, LA, during a fireworks display on August 25, 2018. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector New Orleans 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 June 13, 2018.

ADDRESSES: You may submit comments identified by docket number USCG-2018-0348 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 Lieutenant Commander Benjamin Morgan, Sector New Orleans Waterways Management Division, U.S. Coast Guard; telephone 504-365-2231, email Benjamin.P.Morgan@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On April 9, 2018, AFX Pro, LLC, notified the Coast Guard that it would be conducting a fireworks display from 9 p.m. through 10 p.m. on August 25, 2018, for the National Guard Association of the United States Annual Conference. The fireworks will be launched from a barge in the Mississippi River at approximate mile marker (MM) 96.2 above Head of Passes, New Orleans, LA. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Sector New Orleans (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a one-mile stretch of the river.

The purpose of this rulemaking is to ensure the safety of vessels on the navigable waters within a one-mile stretch of the river before, during, and after the fireworks display. 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 8:45 p.m. through 10 p.m. on August 25, 2018. The safety zone would cover all navigable waters of the Mississippi River above Head of Passes between mile markers (MM) 95.7 and 96.7. The duration of the zone is intended to ensure the safety of vessels

¹ <https://www.fda.gov/ohrms/dockets/ac/cder02.htm#NonprescriptionDrugs>.

² <https://wayback.archive-it.org/7993/20170404145443/https://www.fda.gov/AdvisoryCommittees/Calendar/ucm380871.htm>.

and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans.

Vessels requiring entry into this safety zone would have to request permission from the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or 67 or by telephone at (504) 365-2200. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued 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 and duration of the safety zone. This safety zone is for only one hour and fifteen minutes on a one-mile section of the waterway. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners (BNM) 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 that under 5 U.S.C. 605(b) this proposed rule would not have a significant economic impact on a substantial number of small entities.

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 (Public Law 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 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 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 lasting one hour and fifteen minutes that would prohibit entry between mile marker 95.7 and mile marker 96.7 on the Lower Mississippi River above Head of Passes. Normally such actions are 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 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 protestors. 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 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.T08–0348 to read as follows:

§ 165.T08–0348 Safety Zone; Lower Mississippi River, New Orleans, LA

(a) *Location.* The following area is a safety zone: All navigable waters of the Lower Mississippi River, New Orleans,

LA from mile marker (MM) 95.7 to MM 96.7 above Head of Passes.

(b) *Effective period.* This section is effective from 8:45 p.m. through 10 p.m. on August 25, 2018.

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

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Broadcasts (MSIBs) as appropriate.

Dated: May 9, 2018.

Wayne R. Arguin,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2018–10188 Filed 5–11–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2018–0026; FRL–9978–02—Region 8]

Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of North Dakota on January 28, 2013, and November 11, 2016. The EPA is proposing to approve amendments to North Dakota's general provisions,

permit to construct, prevention of significant deterioration (PSD) of air quality, oil and gas, and fees regulations. In addition, amendments to the permit program include the regulation of hazardous air pollutants (HAPs), which may be regulated under section 112 of the Clean Air Act (CAA). Thus, the EPA is taking this action pursuant to sections 110 and 112 of CAA.

DATES: *Comments:* Written comments must be received on or before June 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2018–0026, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.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>.

Docket: All documents in the docket are listed in the www.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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through

Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT:

Jaslyn Dobrahner, Air Program, EPA, Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6252, dobrahner.jaslyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 28, 2013, the State of North Dakota submitted a SIP revision containing amendments to Article 33-15 Air Pollution Control rules. We approved some of these revisions on October 21, 2016 (81 FR 72716) and on October 10, 2017 (82 FR 46919). The remaining amendments revise the PSD rules and add a general permit to construct provision. We will address the PSD revision related to modeling in a separate action. The North Dakota State Health Council adopted the amendments on August 14, 2012 (effective January 1, 2013).

On November 11, 2016, the State of North Dakota submitted a SIP revision containing amendments to Article 33-15 Air Pollution Control rules. The amendments: Update the definition of “volatile organic compounds” and PSD rules; revise permit to construct and PSD public participation methods; clarify applicability of oil and gas regulations; increase the application and processing fees; add a significant emission rate for greenhouse gas carbon dioxide equivalent; add a definition of “actively producing” oil and gas wells; remove greenhouse gas provisions relating to the determination of a major source and major modification; remove the expired exemption of greenhouse gases from biogenic sources; and streamline a provision related to oil and gas registration and reporting. The North Dakota State Health Council adopted the amendments on February 24, 2016 (effective July 1, 2016).

II. Analysis of State Submittals

We evaluated North Dakota’s January 28, 2013 and November 11, 2016 submittals regarding revisions to the State’s Air Pollution Control rules.

A. January 28, 2013 Submittal

1. Chapter 33-15-14, Designated Air Contaminant Sources, Permit To Construct, Minor Source Permit To Operate, Title V Permit To Operate

The State added a “General permit” to construct rule in 33-15-14-02.1.c. providing the State with authority to issue a general permit to construct “covering numerous similar minor sources.” The addition of North

Dakota’s general permit to construct rule establishes the framework for general permits to be issued and references the requirements and procedures that will be followed in developing the conditions and terms for issuing each general permit. Under this new rule, any general permit to construct shall comply with all the requirements applicable to other permits to construct. The general permit rule also specifies that any general permit “shall identify criteria by which sources may qualify for the general permit.” Additionally, the rule requires that sources that would qualify for a general permit must apply to the State for coverage under the terms of the general permit, or apply for an individual permit to construct. The rule also requires that the State “shall grant the conditions and terms of the general permit” to sources that qualify. Finally, the rule allows the State to grant a source’s request for authorization to construct under a general permit without repeating the public participation procedures under subsection 6 of section 33-15-14-02. We propose to approve the State’s general permit regulation into the SIP based on the following analysis.

a. Sources Covered Under the General Permit To Construct Provision

The revision specifies that the State may issue a general permit to construct covering numerous similar sources which are not subject to permitting requirements under chapter 33-15-13 (*Emission Standards for Hazardous Air Pollutants*), 33-15-15 (*Prevention of Significant Deterioration of Air Quality*), or subpart B of 33-15-22-03 (*Emissions Standards for Hazardous Air Pollutants for Source Categories*). Our discussions with the State also revealed that North Dakota interprets the rule to include sources that will voluntarily accept conditions in the general permit that limit emissions below the major source thresholds (*i.e.*, synthetic minor permits). Thus, the new general permit to construct rule provides the State with an option to develop general permits for the following three types of sources: Minor sources of criteria pollutants (potential emissions below the major source thresholds in 33-15-15); minor sources of hazardous air pollutants (potential emissions below the major source thresholds in 33-15-13 and 33-15-22-03); and minor sources of either criteria or hazardous air pollutants that elect to apply for general permits to limit emissions below major source thresholds (*i.e.*, synthetic minor permits). The general permit rule allows sources to comply with the State’s existing minor new source SIP rules by

obtaining approval to construct via a general permit issued by the State in lieu of obtaining approval to construct via an individual permit. Therefore, we evaluate in II.A.1.c whether the regulation is consistent with the federal requirements associated with SIPs under (*i.e.*, section 110 of the CAA), our regulations, and applicable guidance.

Finally, in addition to criteria pollutants, as explained above, sources of hazardous air pollutants (HAPs) may also be eligible for coverage under North Dakota’s general permit program. HAPs are regulated under sections 111 and 112 of the CAA. Section 112(l) allows the EPA to approve a state’s permit program if it meets the following statutory criteria for approval under section 112(l)(5): (1) Contains adequate authority to assure compliance with any section 112 standards, regulations, or requirements; (2) provides for adequate authority and resources to implement the program; (3) provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) is otherwise in compliance with agency guidance and is likely to satisfy the objectives of the CAA.

Regarding the first criteria, North Dakota’s general permit program contains adequate authority to assure compliance with section 112 requirements since the third criteria of the “Requirements for the Preparation, Adoption, and Submittal of Implementation Plans”¹ (EPA’s 1989 rulemaking) requiring all emissions limitations, controls, and other requirements imposed will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitation or requirements contained in or issued pursuant to the SIP, or that are otherwise “federally enforceable” (*e.g.*, standards established under sections 111 and 112 of the Act), is met by the both the permit to construct and general permit programs, *i.e.*, because the programs do not provide for waiving any section 112 requirement. (Refer to our full analysis in II.A.1.c.) Regarding the requirement for adequate resources, the State has demonstrated that it can provide for adequate resources to implement and enforce the program through the fees it charges. See Chapter 33-15-23, *Fees*, and refer to our full analysis in II.B.5. North Dakota’s general permit meets the third criteria to provide for an expeditious schedule for assuring

¹ 54 FR 27274 (June 28, 1989).

compliance with section 112 requirements because nothing in the State's program would allow a source to avoid or delay compliance with federal HAPs requirements if it fails to obtain the appropriate federally enforceable limit by the relevant deadline. Finally, North Dakota's general permit program is consistent with the intent of section 112 and the CAA since its purpose is to enable sources to obtain federally enforceable limits on potential to emit. In addition to the statutory criteria found in section 112(l)(5), the criteria outlined in 40 CFR 51.160–51.162 as well as the criteria for approving federally enforceable state operating permits must be met in order to create federally enforceable limits on the potential to emit HAPs under a general permit. We describe how North Dakota's general permit program will meet both of these criteria in II.A.1.c. Thus, the EPA is also proposing to approve the State's general permit program under section 112(l) of the Act for the purpose of creating federally enforceable limitations on the potential to emit HAPs regulated under section 112 of the CAA.²

b. Background and Requirements for General Permit SIPs and North Dakota's Submittals

Typically, a general permit is a permit document that contains standardized requirements that multiple stationary sources can use. For less complex plant sites, and for source categories involving relatively few operations that are similar in nature, case-by-case permitting may not be the most administratively efficient approach to establishing federally enforceable restrictions. One approach that has been used is to establish a general permit, which creates enforceable restrictions at one time that can then be used for many similar sources. A general permit contains all of the emissions limitations, monitoring, recordkeeping and reporting requirements that a source in a given source category would be subject. Thus, the purpose of a general permit is to provide for protection of air quality while simplifying the permit process for similar minor sources. If the general permit rule is approved by the EPA into the SIP, then the permits are federally enforceable.

Section 110(a)(2)(C) of the Act requires that each implementation plan

include a program to regulate the construction and modification of stationary sources, including a permit program as required by parts C and D of title I of the CAA, as necessary to assure that the National Ambient Air Quality Standards (NAAQS) are achieved. Parts C and D, which pertain to PSD and nonattainment, respectively, address the major new source review (NSR) programs for major stationary sources, and the permitting program for "nonmajor" (or "minor") stationary sources is addressed by section 110(a)(2)(C) of the CAA. We commonly refer to the latter program as the "minor NSR" program. A minor stationary source is a source whose "potential to emit" is lower than the major source applicability threshold for a particular pollutant as defined in the applicable major NSR program.

To evaluate the approvability of a state minor source SIP permit revision, the changes must meet all applicable requirements (procedural and substantive) of 40 CFR part 51 and the CAA. The EPA's requirements for SIP approval applicable to minor NSR permitting programs are established in 40 CFR part 51, subpart I—Review of New Sources and Modifications, §§ 51.160 through 51.164. Additionally, since the State interprets this general permit rule to apply to synthetic minor sources, the EPA applies the criteria in the EPA's 1989 rulemaking, and in the EPA's January 25, 1995 memorandum "Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and § 112 and General Permits" (EPA's 1995 guidance).³ Finally, we consider Section 110(l) of the CAA to evaluate whether the SIP revision would interfere with any applicable requirement concerning attainment, reasonable progress, or any other applicable requirement of the CAA.

c. Evaluation of General Permit To Construct Provisions

As stated previously, the EPA has the authority to approve these types of general permits if they are incorporated into the SIP. In order for North Dakota's general permit to construct rule to be incorporated into the SIP, the rule must meet certain legal and practical federal requirements.

The EPA's regulatory requirements for SIP approval applicable to minor NSR permitting programs are established in 40 CFR part 51, subpart I—Review of New Sources and Modifications,

§§ 51.160 through 51.164. The EPA approved North Dakota's minor NSR permitting program on August 21, 1995 (60 FR 43396). That approval covered permits issued on an individual basis. North Dakota's May 3, 2018 letter to the EPA, explains that the State interprets their general permit rule 33–15–14–02.1.c. to require the same minor NSR permitting program elements the EPA previously approved.⁴

The EPA's 1989 rulemaking describes five criteria that must be met in order for emissions controls and limitation to be federally enforceable and thereby approvable into the SIP. The EPA's 1989 rulemaking criteria are as follows:

(1) The State operating permit program (*i.e.*, the regulations or other administrative framework describing how such permits are issued) is submitted to and approved by the EPA into the SIP.⁵

(2) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits (or subsequent revisions of the permit made in accordance with the approved operating permit program) and provides that permits which do not conform to the operating permit program requirements and the requirements of the EPA's underlying regulations may be deemed not "federally enforceable" by the EPA.

(3) The State operating permit program requires that all emissions limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitation or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable" (*e.g.*, standards established under sections 111 and 112 of the Act).

(4) The limitations, controls, and requirements in the operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.

(5) The permits are issued subject to public participation, which we analyze in section II.B.2. This means that the State agrees, as part of its program to provide the EPA and the public with timely notice of the proposal and issuance of such permits, and to provide

² The EPA approved North Dakota's construction permit and federally enforceable state operating permit (FESOP) programs under section 112(l) of the amended CAA for the purposes of creating federally enforceable permit conditions for sources of hazardous air pollutants (HAPs). 60 FR 43396, 43398–43399 (August 21, 1995).

³ *Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and § 112 Rules and General Permits*. January 25, 1995.

⁴ Letter from Terry O'Clair, Director, Division of Air Quality, North Dakota Department of Health to Monica Morales, Director, EPA Region 8 Air Program, May 3, 2018.

⁵ States are not required to include operating permit programs in their SIP. Participation is voluntary.

the EPA, on a timely basis, with a copy of each proposed (or draft) and final permit intended to be federally enforceable. This process must also provide for an opportunity for public comment on the permit applications prior to issuance of the final permit.

When the EPA approved North Dakota's minor source permitting program, the EPA determined that the State's program met the criteria in the EPA's 1989 rulemaking as applied to individual sources.⁶ Therefore, in this notice we apply the five criteria from that rulemaking to the general permit regulation and the provisions in the State's current SIP and proposed amendments to other State rules that are also part of the general permit program.

With respect to fulfilling the requirements of the first criteria that requires the permit program regulations and administrative framework to be approved by the EPA into the SIP, the general permit rule requires that general permits comply with all existing permit regulations. The existing permit regulations in the SIP currently include 33–15–01, *General Provisions*, 33–15–14–02, *Permit to Construct*, 33–15–14–03, *Minor Source Permit to Operate*, and 33–15–23, *Fees* including construction and operating fees, which provide the regulations and administrative framework to describe how such permits are issued. Furthermore, North Dakota's general permit rule requires that the "general permit shall comply with all requirements applicable to other permits to construct." We interpret these requirements for minor sources to include the following SIP requirements: The application and submission of plans (33–15–14–02.2 and 33–15–14–02.15, respectively); denial and issuance of permits (33–15–14–02.7 and 33–15–14–02.8, respectively); scope and transfer of permits (33–15–14–02.10 and 33–15–14–02.11, respectively), as well as performance and emission testing (33–15–14–02.14); responsibility to comply (33–15–14–02.15); and permit amendments (33–15–14–02.19), among others. The SIP requirements also include the State's existing minor source permit rules that specify the terms and conditions for a permit application (33–15–14–02.9).

For the second criteria, North Dakota's SIP regulations impose a legal obligation that permit holders adhere to the terms and limitations of the permits, which would include a general permit, so that violation of any conditions of the general permit may result in the revocation or suspension of the permit

or other appropriate enforcement action (33–15–14–02.9 and 33–15–14–03.7). Furthermore, 33–15–14–02.7 states "no permit to construct or modify may be granted if such construction, modification, or installation, will result in a violation of this article" and 33–15–14–03.1.b states "no person may operate or cause the operation of an installation or source in violation of any permit to operate or any condition imposed upon a permit to operate or in violation of this article." North Dakota's May 3, 2018 letter confirms the State interprets the general permit regulation to include these legal obligations. Together, these rules satisfy the second criteria that the permittee must comply with the permit conditions.

For the third criteria, which requires that all emission limitations, controls, and other requirements be at least as stringent as any other requirements in the SIP, North Dakota's permit to operate rules (33–15–14–03.6) require "all emission limitations, controls, and other requirements imposed by conditions on the permit to operate must be at least as stringent as any applicable limitation or requirement contained in this article." In addition, if the proposed construction project will cause or contribute to a violation of any applicable air quality standard, the State's May 3, 2018 letter explains that the State will deny approval of the proposed project to be covered under a general permit to construct (33–15–14–02.5.a and 33–15–14–02.7).

North Dakota's construction and operating permitting rules require a 30-day public comment period (33–15–14–03.5 and 33–15–14–02.6, respectively) in addition to providing the EPA with a copy of the proposed permit and all information considered in the development of the permit in order to provide an opportunity to review the permit and ensure that the limitations, controls, and requirements in the permits are permanent, quantifiable, and otherwise enforceable as a practical matter and thereby meet the fourth criteria that the permit conditions be enforceable as a practical matter. Although the January 28, 2013 SIP submittal does not include an explanation of, or requirements for, the public participation requirements North Dakota is required to provide prior to issuing a general permit, the State subsequently adopted revisions to the general permit rule in 33–15–14–02.1.c that provide for public participation prior to issuance and renewal of general permits. These provisions for public participation are in the SIP submittal the EPA received from the State on November 11, 2016, and are discussed

in section II.B.2 of this notice. The November 11, 2016 revisions require that "a proposed general permit, any changes to a general permit, and any renewal of a general permit shall be subject to public comment" and that the public comment procedures under subsection 6 of section 33–15–14–02 shall be used.⁷ The EPA determined that with respect to general permits, the EPA and the public do not need to be involved in the review of individual applicants requesting coverage under a general permit "since the rule establishing the program does not provide the specific standards to be met by the source, each general permit, but not each application under each general permit, must be issued pursuant to public and EPA notice and comment."⁸ As discussed previously, North Dakota must also provide the EPA with a copy of the proposed general permit for review. Together, these rules meet the fifth criteria that permits issued are subject to public participation. In summary, we propose to conclude that the State's general permit to construct rule meets the aforementioned five criteria for emissions controls and limitation to be federally enforceable as described by the EPA's 1989 rulemaking.

In addition to the EPA's 1989 rulemaking, the general permit to construct rule must also be in accordance with six enforceability criteria, which are described in the EPA's 1995 guidance, that a rule or a general permit must meet to make limits enforceable as a practical matter:

(1) Specific applicability: The general permit must apply to a specific and narrow category.

(2) Reporting or notice to permitting authority: Sources electing coverage under general permits where coverage is not mandatory, provide notice or reporting to the permitting authority.

(3) Specific technically accurate limits: General permits provide specific and technically accurate (verifiable) limits that restrict the potential to emit.

(4) Specific compliance monitoring: General permits contain specific compliance requirements.

(5) Practicably enforceable averaging times: Limits in general permits are based on practicably enforceable averaging times.

(6) Clearly recognized enforcement: Violations of limits by synthetic minor sources are considered violations of the state and federal requirements and

⁸ *Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and § 112 Rules and General Permits*. January 25, 1995.

⁶ 60 FR 43399 (August 21, 1995).

result in the source being subject to major source requirements.

When the EPA approved North Dakota's minor source permitting program, the EPA determined that the State's program met the criteria described in the EPA's 1995 guidance as applied to individual sources.⁹ Therefore, in this notice we review how the general permit to construct program satisfies the enforceability requirements described in the EPA's 1995 guidance in the context of the general permit program. First, with respect to requirement (1), the general permit to construct provision (33–15–14–02.1.c.) covers similar sources and “shall identify criteria by which sources may qualify for the general permit.” Therefore, each general permit is required to include the criteria that will be used as the basis for determining whether a source is eligible for the general permit. These criteria serve to describe and narrow the sources for which general permits may be established. In order to comply with the second enforceability criteria (2) that all sources provide notice or reporting to the permitting authority, all sources that qualify for a general permit must apply to the state for coverage under the terms of the general permit, and provide ongoing reports to the State, including monitoring, recordkeeping, and reporting. Regarding compliance with requirements (3) through (5) with respect to emission limits, compliance requirements, and averaging times under both the general permit to construct and the general permit to operate, sources shall comply with all permit requirements to construct and operate, respectively. Thereby, sources operating under a general permit to operate must follow the emission limits and all other requirements subject to the source under 33–15–14–03.6, *Permit to Operate—Conditions*. Likewise, sources are also subject to similar conditions, including emission limits, averaging times, monitoring, recordkeeping, reporting, and other requirements, under 33–15–14–02.9, *Permit to Construct—Conditions*. Likewise, with respect to the final enforceability requirement (6), violations of any conditions found in 33–15–14–02.9, *Permit to Construct—Conditions* may result in revocation or suspension of the permit or other appropriate action. Thus, violations of the rule or general permit or violations of the specific conditions of the rule or general permit subjects the source to potential enforcement under the CAA and state law. In summary, we propose to

conclude that North Dakota's general permit to construct rule meets the aforementioned criteria for enforceability as described in the EPA's 1995 guidance.

d. 110(l) Analysis

Finally, the EPA's evaluation of the general permit to construct rule must consider Section 110(l) of the CAA, which states that the EPA shall not approve a SIP revision if it would interfere with any applicable requirement concerning attainment, reasonable progress, or any other applicable requirement of the CAA. The provisions in 33–15–14–02.1.c establish a general permit to construct program that allows the State to develop and issue general permits to construct. Sources may seek authorization under the general permit to construct program in lieu of individual construction permits. Thus, under 110(l) of the CAA, the addition of a general permit to construct program and resulting authorizations allowing sources to construct must not interfere with attainment, reasonable progress, or any other applicable requirements of the CAA.

We evaluated the addition of a general permit to construct program for its impact on attainment, reasonable progress, and other applicable requirements of the CAA. First, under the general permit to construct revision, any general permit shall comply with all of the requirements applicable to other permits, including a determination of whether issuance of a permit to a specific category of proposed construction projects will cause or contribute to a violation of any applicable ambient air standard (33–15–14–02.5.a). Thus, as the State explained in their May 3, 2018 letter, consistent with 33–15–14–02.5.a and 33–15–14–02.7, if the State makes the determination that the proposed category will cause or contribute to a violation of any applicable air standard, the State would not propose a general permit. Ambient air monitoring, modeling, or other assessment techniques will be used to ensure that sources granted authority to construct under the general permit will not violate applicable ambient air quality standards. In addition, the State will consider any air quality concerns unique to specific areas that arise after issuance of the general permit and when determining whether an individual proposed project is eligible for coverage under the general permit. For example, if a source wants to locate in an area with air quality levels approaching or violating the NAAQS, North Dakota may

request that a source apply for a site-specific permit so that the potential for greater control than that afforded by the general permit can be evaluated.¹⁰

North Dakota is bound by State rules to grant the conditions and terms of the general permit to sources that qualify or deny a source's request if the source does not qualify. As the State explains in detail in their May 3, 2018 letter, the SIP rules provide that the State's decision for denying a source's request is based on 33–15–14–02.5.a and 33–15–14–02.7. Therefore, in addition to assuring that sources granted authority to construct under a general permit will not violate applicable standards, in the event the State determines (33–15–14–02.5) that an individual source will violate the control strategy or interfere with attainment or maintenance of a national standard in the State or in a neighboring state, North Dakota will have the ability to require a proposed source to apply for and obtain an individual air emission permit under 33–15–14–02, *Permit to Construct*, and perform an ambient air quality analysis before the source begins actual construction. Any sources that may be subject to modeling to determine if they will cause or contribute to a violation of any applicable air ambient air standard will not be eligible for a general permit.¹¹

Finally, under the general permit to construct rule, a proposed general permit, any changes to a general permit, and any renewal of a general permit shall be subject to the public comment procedures at 33–15–14–02.6 which allow 30 days for public comment. Based on the reasons discussed previously, we propose to find that the addition of the general permit to construct rule found at 33–15–14–02.1.c and the other rules implemented in concert with the general permit rule are equivalent to the permit to construct rules and will not interfere with attainment or reasonable further progress or any other applicable requirement of the CAA, and thereby, demonstrates compliance with section 110(l) of the CAA providing further basis for proposed approval of this SIP revision. There should be no impact on air quality as a result of North Dakota's general permit rule because the sources eligible for coverage under the general permit regulation will be subject to terms and conditions in general permits, and those terms and conditions are

¹⁰ Letter from Terry O'Clair, Director, Division of Air Quality, North Dakota Department of Health to Monica Morales, Director, EPA Region 8 Air Program, May 3, 2018.

¹¹ Ibid.

⁹ 60 FR 43399 (August 21, 1995).

equivalent to those applicable to source-specific minor permits to construct, which includes the air quality SIP permitting requirements.

Based on our evaluation of North Dakota's new general permit to construct rule and SIP submittal, we propose to find that the general permit rule meets the requirements of EPA rules, the EPA's 1989 rulemaking, criteria described in the EPA's 1995 guidance, and does not interfere with attainment, reasonable progress, or any other applicable requirements of the CAA. Therefore we propose to approve 33-15-14-02.1.c., as amended with North Dakota's January 28, 2103 and November 11, 2016 SIP submittals, into the SIP.

B. November 11, 2016 Submittal

1. Chapter 33-15-01, General Provisions

The CAA requires the regulation of volatile organic compounds (VOCs) for various purposes which the EPA defines at 40 CFR 51.100(s). In its November 11, 2016 submittal, the State updates 33-15-01-04, *Definitions*, to update the incorporation by reference of 40 CFR 51.100(s) at 33-15-01-04.52 for "volatile organic compounds" as it exists on July 1, 2015. We are proposing to approve this revision because it incorporates by reference the EPA's rule provisions.

2. Chapter 33-15-14, Designated Air Contaminant Sources, Permit To Construct, Minor Source Permit To Operate, Title V Permit To Operate

In the January 28, 2013 submittal, North Dakota amended chapter 33-15-14-02, *Permit to Construct*, to include a general permit provision. Refer to II.A.1 for further discussion. In the November 11, 2016 submittal, the State amended the general permit section to include language pertaining to public participation as required by the EPA's regulations.¹² Specifically, "a proposed general permit, any changes to a general permit, and any renewal of a general permit shall be subject to public comment" following the public comment procedures found in subsection 6, *Public participation—Final action on application*, of section 33-15-14-02. However, portions of subsection 6(a) contain provisions related to "director's discretion" that purport to permit revisions to SIP-approved emission limits with limited public process or without requiring further approval by the EPA. Thus, North Dakota committed to revise the reference for "subsection 6 of 33-15-

14-02" to "subdivision 6.b of 33-15-14-02" in a future submittal.¹³ With the State's commitment to revise the reference to "subdivision 6.b of 33-15-14-02", we propose to approve the revisions to the general permit section in the November 11, 2016 submittal because they allow for public participation. For reasons discussed in the following paragraph, we also propose to approve the revision in subsection 33-15-14-02.6.b(2) that allows North Dakota to post the application, proposed permit and analysis on the State's website.

North Dakota added language in 33-15-14-03.5.a(1)(b) allowing a copy of the proposed permit and copies of or a summary of the information considered in developing the permit to be made available on the State's website for public participation. This addition aligns with 40 CFR 51.161(b)(1) which allows States to post information submitted by owners and operators along with the State's analysis of the effect on air quality on a public website. As a result of having the option to make information about proposed permits available on the State's website instead of delivering paper copies of the information, North Dakota also revised 33-15-14-03.5.a(1)(d) to reflect this change by allowing the State to "provide notice" of the proposed permit and public notice instead of "delivering a copy" of the permit and notice. We propose to approve both of these revisions.

North Dakota also modified the renewal terms of the permit to operate in 33-15-14-03.9.a by revising the term of the permit from a fixed 5-year period to a maximum term of 5 years. In addition, applications for renewal must be submitted 90 days prior to the expiration date stated in the permit instead of 90 days prior to the 5th anniversary of its issuance. These revisions strengthen the SIP by allowing the State to issue operating permits for a term of less than 5 years, thus we propose to approve these revisions. Finally, North Dakota removed language in 33-15-14-03.9.b referencing the State's ability to amend permits issued prior to February 9, 1976, because that language is no longer necessary. We agree with North Dakota and propose to approve this revision.

3. Chapter 33-15-15, Prevention of Significant Deterioration of Air Quality

North Dakota makes several revisions in their November 2016 submittal to their PSD rules found in chapter 33-15-15.

First, the State updated the incorporation by reference of 40 CFR 52.21 paragraphs (a)(2) through (e), (h) through (r), (v), (w), (aa) and (bb) at 33-15-15-01.2 as they exist on July 1, 2015. The EPA promulgated revisions to 40 CFR 52.21 since July 1, 2015, in response to a court vacatur. Specifically, on June 23, 2014, the *United States Supreme Court, in Utility Air Regulatory Group (UARG) v. EPA*, issued a decision addressing the application of PSD permitting to greenhouse gas (GHG) emissions.¹⁴ The Supreme Court said the EPA may not treat GHGs as air pollutants for purposes of determining whether a source is a major source (or modification thereof) required to obtain a PSD permit. The Court also said the EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limits on GHG emissions based on the application of Best Available Control Technology (BACT). In response to the UARG decision, and the subsequent Amended Judgement issued by the DC Circuit (Amended Judgement),¹⁵ the EPA revised the federal PSD rules to remove the regulatory provisions that were specifically vacated by the Amended Judgement removing 40 CFR 52.21(b)(49)(v) and 40 CFR 51.166(b)(48)(v), among other provisions.¹⁶

North Dakota's adoption by reference of 40 CFR 52.21 as of July 1, 2015, did not include the EPA's August 19, 2015 revisions to the federal PSD program removing the PSD provisions vacated by the Amended Judgement. The North Dakota SIP currently contains the vacated GHG provisions (through the incorporation by reference of a previous version of 40 CFR 52.21), so the EPA's proposed approval of the CFR incorporation by reference update to July 1, 2015, does not change the North Dakota SIP with respect to the vacated provisions. However, the now-vacated portions of 40 CFR 52.21 incorporated into the North Dakota SIP-approved PSD program are no longer enforceable. This portion of the North Dakota SIP should

¹⁴ U.S. Supreme Court's decision in *Utility Air Regulatory Group v. EPA*, 134 S.Ct. 2427 (2014).

¹⁵ April 10, 2015, Amended Judgment by the D.C. Circuit in *Coalition for Responsible Regulation v. EPA*, Nos. 09-1322, 10-073, 10-1092 and 10-1167 (D.C. Cir. April 10, 2015).

¹⁶ 80 FR 50199 (August 19, 2015).

¹² 40 CFR 51.161.

¹³ Letter from Terry O'Clair, Director, Division of Air Quality, North Dakota Department of Health to Monica Morales, Director, EPA Region 8 Air Program, May 3, 2018.

be revised in light of the D.C. Circuit's Amended Judgment, but the EPA also notes that these provisions may not be implemented even prior to their removal from the North Dakota SIP because the court decisions described above have determined these parts of the EPA's regulations are unlawful. Further, North Dakota has advised the EPA that it is not currently enforcing these provisions in light of the Supreme Court decision and that North Dakota will update its incorporation by reference of the CFR, including the August 19, 2015 revisions to 40 CFR 52.21 in a future submittal.¹⁷ We are therefore proposing to approve the State's revision of the incorporation by reference date with the understanding that the GHG provisions vacated by the court decisions cannot be implemented and are not being enforced by North Dakota.

Second, we evaluate the State's revisions to their incorporation by reference of the EPA's PSD regulations to evaluate whether the revisions are consistent with our regulations in effect at this time. The State revised language in their incorporation of 40 CFR 52.21(b)(1) and 40 CFR 52.21(b)(2) exempting greenhouse gases, as defined in 40 CFR 86.1818–12(a), from the definition of a New Source Review (NSR) pollutant for the purposes of defining a “major source” and “major modification,” respectively. Specifically, the State's regulation indicates for both definitions that “[f]or purposes of this definition, regulated NSR pollutant does not include greenhouse gases as defined in 40 CFR 86.1818–12(a).”¹⁸ Thus, North Dakota eliminated greenhouse gases from consideration when determining whether a source is a “major source” or whether a change to major stationary source is a “major modification.” The EPA amended its rules in a different manner. The EPA's revisions that amended the rules after the Court's holding that EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD or title V permit, deleted 40 CFR 52.21(b)(49)(v), which required that “[b]eginning July 1, 2011, in addition to the provisions in paragraph (b)(49)(iv) of this section, the pollutant GHGs shall

also be subject to regulation, (a) At a new stationary source that will emit or have the potential to emit 100,000 tpy of a carbon dioxide equivalent (CO₂e); or (b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO₂e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO₂e or more.”^{19 20 21} As discussed previously, North Dakota acknowledges that their July 1, 2015 incorporation by reference date of some of the provisions in 40 CFR 52.21 included the provision at 40 CFR 52.21(b)(49)(v) that was later removed on August 19, 2015, and the State is not currently enforcing this provision in light of the Court decision. Thus, we propose to approve this revision.

Third, in the June 23, 2014 U.S. Supreme Court decision, the Court upheld application of the Best Available Control Technology (BACT) requirement for greenhouse gas emissions from new and modified sources that trigger PSD permitting obligations on the basis of their emissions of air pollutants other than greenhouse gases. Thus, if a source is subject to PSD BACT requirements for a pollutant other than greenhouse gases, the source remains subject to PSD BACT requirements for greenhouse gases.

North Dakota revised their incorporation of 40 CFR 52.21(b)(23)(i)²² to include a significant pollutant and emission rate of 75,000 tons per year (tpy) or more of greenhouse gases on a carbon dioxide equivalent basis. Although the North Dakota SIP submittal is structured

differently than the EPA's federal rules at 40 CFR 52.21, the primary practical effect of both is the same: The PSD BACT requirement does not apply to GHG emissions from an “anyway source” unless the source emits GHGs at or above the 75,000 tpy threshold, which the State confirmed in their letter.²³ We propose to approve this revision because it is consistent with the relevant provisions of 40 CFR 52.21.

It is important to note, however, that the EPA's proposed approval is not based on determination by either the EPA or the state that 75,000 tpy CO₂e is an appropriate *de minimis* level for GHGs. The EPA's proposed approval of the significant emissions rate for GHGs in North Dakota's rule is based only on the recognition that North Dakota's rule applies the same applicability level for GHG BACT requirement that is presently reflected in the EPA's regulations.

In establishing the significance level, the State rulemaking does not establish that 75,000 is a *de minimis* amount of GHG. Nothing in North Dakota's rulemaking and nothing in this EPA action provide support to substantiate 75,000 tpy significance level as a *de minimis* level. See *UARG*, 134 S.Ct. 2427, at 2449 (noting that the EPA had not established the 75,000 tpy level in the Tailoring Rule as a *de minimis* threshold below which BACT is not required for a source's GHG emissions).

Given the deficiencies in the justification for the GHG BACT applicability level in the existing EPA regulations, the EPA is planning to move forward in a separate, national rulemaking to propose a GHG Significant Emission Rate (SER) that would be justified as a *de minimis* threshold level for applying the BACT requirement to GHG emissions under PSD. In the event that the EPA ultimately promulgates a final GHG SER, North Dakota, like all other SIP-approved states, may be obligated to undertake rulemaking to demonstrate consistency with federal requirements.

Fourth, the State eliminated the exemption for greenhouse gases from biogenic sources found at 40 CFR 52.21(b)(49)(ii)(a)(July 1, 2015). The State explained in the November 2016 submittal that the basis for eliminating the exemption was because the exemption expired.²⁴ We agree with the State's reason for deleting this provision as it is consistent with the EPA's expired regulation and therefore

¹⁹ 80 FR 50199 (August 19, 2015).

²⁰ April 10, 2015, Amended Judgment by the D.C. Circuit in *Coalition for Responsible Regulation v. EPA*, Nos. 09–1322, 10–073, 10–1092 and 10–1167 (D.C. Cir. April 10, 2015).

²¹ To clarify potential questions regarding the difference between the State and the EPA rules, we note that consistent with our 2015 rulemaking, “[i]n the case of sources that trigger PSD based on emissions of pollutants other than GHG (“anyway sources”) the PSD BACT requirement continues to apply to GHG emissions from such sources . . . and that “[w]hen an anyway source is modified, under these provisions, the BACT requirement applies to GHGs if (1) the modification is otherwise subject to PSD for a pollutant other than GHG; and (2) the modification results in a GHG emissions increase and a net GHG emission increase equal to or greater than 75,000 tpy or more on a carbon dioxide equivalent (CO₂e) basis and greater than zero on a mass basis.” 80 FR 50199, 50201–50202 (August 19, 2015).

²² The State recognizes their revised regulation inadvertently does not include (b) after 40 CFR 52.21 and before (23)(i) and will revise the language to read 40 CFR 52.21(b)(23)(i) in a future submittal. Refer to letter from Terry O'Clair, Director, Division of Air Quality, North Dakota Department of Health to Monica Morales, Director, EPA Region 8 Air Program, May 3, 2018.

²³ Letter from Terry O'Clair, Director, Division of Air Quality, North Dakota Department of Health to Monica Morales, Director, EPA Region 8 Air Program, May 3, 2018.

¹⁷ Letter from Terry O'Clair, Director, Division of Air Quality, North Dakota Department of Health to Monica Morales, Director, EPA Region 8 Air Program, May 3, 2018.

¹⁸ We note that the definition of GHGs in 40 CFR 86.1818–12(a) is a part of the definition of GHGs in the PSD rules 40 CFR 52.21(b)(49)(i), however, for purposes of analyzing approvability of the State's SIP there is no practical effect in this difference.

propose to approve the deletion of the exemption in 40 CFR 52.21(b)(49)(ii)(a).

Finally, the State added language in 40 CFR 52.21(q) to allow copies of: (1) All materials submitted by an applicant; (2) the State's preliminary determination; and (3) a summary of other materials, if any, considered in making a preliminary determination regarding a proposed source or modification to be posted on the State's website. This addition aligns with 40 CFR 124.10(c)(2)(iii)(B) which allows states to post information related to applications to construct or modify a source on a public website in lieu of publishing in a daily or weekly newspaper. Therefore, we propose to approve this language.

4. Chapter 33–15–20, Control of Emissions From Oil and Gas Well Production Facilities

North Dakota broadened the applicability of this chapter in 33–15–20–01.1, *Applicability*, from applying to “any oil and gas well production facility which emits sulfur or sulfur compounds” to applying to “any oil and gas well facility which emits air contaminants.” In doing so, North Dakota strengthens the SIP because the chapter now applies to all facilities (an expansion from an oil and gas well “production facility”) and any air contaminant (an expansion from emissions of “sulfur or sulfur compounds”), therefore, we propose to approve these revisions.

In section 33–15–20–01.2, *Definitions*, North Dakota added the definition of “actively producing” to mean that a well has been producing for 30 days or more from initial production through the wellhead equipment. In conjunction, North Dakota also revised section 33–15–20–02.1, *Registration and reporting requirements*, so that only actively producing oil or gas wells, as opposed to any oil and gas well, shall submit an oil and gas well registration form. Revisions to this paragraph also include the requirement that the owner or operator must submit the registration form, along with a gas analysis, within 90 days of the well achieving production status instead of within 90 days of the completion or recompletion of the well. Since completed wells can remain idle for extended periods of time prior to producing, this revision clarifies that only actively producing wells are subject to the registration and reporting requirements thereby reducing the burden on oil and gas well owners and operators. Furthermore, these revisions do not alter the emission control requirements for oil and gas wells found in Chapter 7, *Control of Organic*

Compounds Emissions, and as explained in the State's response to comments contained in the November 2016 submittal, this revision allows the producer to obtain better data for inclusion in the registration form and does not change any of the emission control requirements of the chapter. Thus, we propose to approve these revisions.

Additionally, in 33–15–20–02, North Dakota removed paragraph 33–15–20–02.2 because it was no longer relevant. Paragraph 33–15–20–02.1 contains identical language to 33–15–20–02.2 describing the registration and reporting requirements except for paragraph 33–15–20–02.1 does not cite the applicability emission threshold of 10 tons per year or more of sulfur compounds and instead contains the new revisions to add “actively producing” and “well achieving active production status” to describe the applicability of the registration and reporting requirements (as discussed and proposed for approval elsewhere in this notice). Thus, these differences between 33–15–20–02.1 and 33–15–20–02.2 are the result of the revisions in 33–15–20–02.1 contained in the November 2016 submittal that we are proposing to approve as previously discussed. By deleting 33–15–20–02.2, North Dakota also removed language: (1) Pertaining to the original date of January 1, 1988, when the registration form and gas analysis must be submitted to North Dakota for all oil and gas wells completed or recompleted prior to July 1, 1987; and (2) requiring modifications and changes to wells occurring after July 1, 1987, to submit a registration form and gas analysis. With respect to requirement (1), the January 1, 1988 deadline to submit a registration form is over 30 years ago and new regulations have been added to 33–15–20–02.1 for oil and gas wells completed after July 1, 1987, thus as a practical matter, the references to oil and gas wells completed prior to July 1, 1987, and the associated January 1, 1988 deadline are no longer meaningful in the SIP. With respect to requirement (2), the same requirements to inform the State of changes to information contained on the registration form and gas analysis are now required in 33–15–20–02.3. We agree that the language found in 33–15–20–02.2 is no longer relevant because the regulations are either contained in 33–15–20–02.1 or 33–15–20–02.3, and removing the *reporting requirements* for oil and gas wells completed prior to July 1, 1987, does not impact any emission control requirements and will not lead to a change in emissions or ambient

concentrations of a pollutant or its precursors. Thus, we propose to approve this amendment.

We also propose to approve revisions to paragraph 33–15–20–03.1 that determine the applicability of Chapter 33–15–15 to oil and gas well production facilities. North Dakota replaces the applicability threshold of an oil and gas well production facility that “emits or has the potential to emit 250 tons per year or more of any air contaminant regulated under North Dakota Century Code (N.D.C.C.) chapter 23–25, as determined by the department” with an oil and gas well production facility that “is a major stationary source or a major modification as defined in Chapter 33–15–15.” N.D.C.C. 23–25 contains the Department's statutory authority for air pollution control. Chapter 33–15–15 of North Dakota's regulations reference 40 CFR 52.21, which define a “major stationary source” and “major modification at 40 CFR 52.21(b)(1) and 52.21(b)(2). Therefore, rather than Chapter 33–15–15, *Prevention of Significant Deterioration of Air Quality*, applying to oil and gas well production facilities that emit 250 tons per year or more of any air contaminant regulated under chapter 23–25 of N.D.C.C., the State's amendments mean that Chapter 15–15–20 applies to oil and gas well production facilities that meet either of the definitions under 40 CFR 52.21(b)(1) or 52.21(b)(2). Specifically, this would include “any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant” and modifications to stationary sources. This revision is equivalent to the current SIP because the State interprets the language in the current SIP (33–15–20–03.1), as applying to all oil and gas well production facilities subject to the PSD rules. Because this revision is equivalent to the current SIP and federal regulations, we propose to approve this revision.

Finally, North Dakota makes minor revisions in 33–15–20–01.2 and 33–15–20–03.2 to renumber definitions and add non-substantive clarifying changes to the equation for PSD applicability for sulfur dioxide, respectively. We propose to approve both of these revisions.

5. Chapter 33–15–23, Fees

We also propose to approve in the November 2016 submittal revisions to chapter 33–15–23, *Fees*, to: (1) Increase the permit to construct application fee from \$150.00 to \$325.00 (33–15–23–02.1); (2) increase the threshold of processing costs incurred by the State (e.g., applications requiring a major engineering analysis and/or computer

dispersion modeling) that would trigger a processing fee due by the applicant from \$150.00 to \$325.00 (33–15–23–02.2); and (3) remove the option for an applicant to withdraw an application without paying any processing fees (33–15–23–02.2.b). CAA Section 110(a)(2)(E) requires that a state implementation plan provide assurances that the state will have, among other items, adequate funding to carry out the implementation plan. As explained in a memo to interested parties, increasing the application fee and the processing fee threshold as well as removing the option for an applicant to withdraw an application without paying processing fees reflect both inflation and the increased complexity of permit to construct applications, thereby ensuring the State has adequate funding to carry out the implementation plan.^{25 26} Therefore, we propose to approve these revisions.

III. The EPA's Proposed Action

In this action, the EPA is proposing to approve SIP amendments to North Dakota Air Pollution Control Rules, shown in Table 1, submitted by the State of North Dakota on January 28, 2013 and November 11, 2016.

TABLE 1—LIST OF NORTH DAKOTA AMENDMENTS THAT THE EPA IS PROPOSING TO APPROVE

Amended Section in the January 28, 2013 Submittal Proposed for Approval

33–15–14–02.1.c.

Amended Sections in the November 11, 2016 Submittal Proposed for Approval

33–15–01–04.52, 33–15–14–02.1.c, 33–15–14–02.6.b(2), 33–15–14–03.5.a(1)(b), 33–15–14–03.5.a(1)(d), 33–15–14–03.9.a, 33–15–14–03.9.b, 33–15–15–01.2, 33–15–20–01.1, 33–15–20–01.2, 33–15–20–02.1, 33–15–20–02.2, 33–15–20–03.1, 33–15–20–03.2, 33–15–23–02.1, 33–15–23–02.2.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the amendments described in section III. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not proposed to apply on any Indian reservation land or in any other area where the EPA or an

Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides.

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

Dated: May 9, 2018.

Douglas Benevento,

Regional Administrator, Region 8.

[FR Doc. 2018–10208 Filed 5–11–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2018–0223; FRL–9978–01–Region 9]

Air Plan Approval; California; Eastern Kern Air Pollution Control District; Reclassification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act, the Environmental Protection Agency (EPA) is proposing to grant a request by the State of California to reclassify the Eastern Kern County (“Eastern Kern”) nonattainment area from “Moderate” to “Serious” for the 2008 ozone national ambient air quality standards (NAAQS). In connection with the reclassification, the EPA is proposing to establish a deadline of no later than 12 months from the effective date of reclassification for submittal of revisions to the Eastern Kern portion of the California State Implementation Plan (SIP) to meet certain additional requirements for Serious ozone nonattainment areas. The EPA has already received SIP revision submittals addressing most of the additional SIP requirements.

DATES: Any comments must arrive by June 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2018–0223 at <http://www.regulations.gov>, or via email to Nancy Levin, at levin.nancy@epa.gov. For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments.

Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:
Nancy Levin, EPA Region IX, (415) 972-3848, levin.nancy@epa.gov.

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

Table of Contents

- I. Background
- II. State Request for Reclassification
- III. Evaluation of Voluntary Reclassification Request
- IV. Proposed Action and Public Comment
- V. Statutory and Executive Order Reviews

I. Background

The Clean Air Act (CAA) requires the EPA to establish a NAAQS for certain pervasive pollutants that “may reasonably be anticipated to endanger public health and welfare” and to develop a primary and secondary standard for each NAAQS. The primary standard is designed to protect public health with an adequate margin of safety, and the secondary standard is designed to protect public welfare and the environment. The EPA has set NAAQS for six common air pollutants, referred to as criteria pollutants, including ozone. The NAAQS represents the air quality levels an area must meet to comply with the CAA.

Ozone is a gas composed of three oxygen atoms and is created by a chemical reaction between volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the atmosphere in the presence of sunlight. Ground-level ozone can harm human health and the environment. Ozone exposure has been

associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.

In March 2008, the EPA strengthened the primary and secondary eight-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm (“2008 ozone NAAQS”). 73 FR 16436 (March 27, 2008).¹ In accordance with section 107(d) of the CAA, the EPA must designate an area “nonattainment” if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. With respect to the ozone NAAQS, the EPA further classifies nonattainment areas as “Marginal,” “Moderate,” “Serious,” “Severe,” or “Extreme,” depending upon the ozone design value for an area.² See CAA section 181(a)(1). As a general matter, higher classified ozone nonattainment areas are subject to a greater number of, and more stringent, SIP requirements than lower classified areas but are allowed more time to demonstrate attainment of the ozone NAAQS. See, generally, subpart 2 of part D of title I of the CAA. Depending upon the classification, states with ozone nonattainment areas are required under the CAA to develop and submit SIP revisions providing for, among other elements, a base year emissions inventory, new source review (NSR), implementation of reasonably available control technology (RACT), reasonable further progress (RFP), a demonstration of attainment, and contingency measures.

Effective July 20, 2012, the EPA established initial air quality designations for the 2008 ozone NAAQS. The EPA designated and initially classified Eastern Kern³ as a

¹ Today’s proposed rule relates to classifications and SIP submittal obligations associated with the 2008 ozone NAAQS. In 2015, the EPA further tightened the 8-hour ozone NAAQS from 0.075 ppm to 0.070 ppm (“2015 ozone NAAQS”). 80 FR 65292 (October 26, 2015). Designations, classifications and SIP obligations for the 2015 ozone NAAQS are being addressed separately from this action.

² For the 2008 ozone NAAQS, the design value at each monitoring site is the annual fourth-highest daily maximum 8-hour average ozone concentration, averaged over three years. The design value for an area is the highest design value among the monitoring sites.

³ Kern County is located in the southern-most portion of California’s Central Valley. The western half of Kern County is part of the San Joaquin Valley air basin and is included within the San Joaquin Valley ozone nonattainment area. The eastern half of Kern County is part of the Mojave Desert air basin. The Eastern Kern ozone nonattainment area covers the eastern half of the

Marginal nonattainment area for the 2008 ozone NAAQS. 77 FR 30088 (May 21, 2012). For Marginal ozone nonattainment areas, the attainment date for the 2008 ozone NAAQS is as expeditious as practicable but not later than three years from the effective date of designation, *i.e.*, no later than July 20, 2015. See 40 CFR 51.1103(a).

Under CAA section 181(b)(2), the EPA is required to determine whether an area attained the ozone NAAQS by the applicable attainment date, and in May 2016, the EPA found that Eastern Kern had failed to attain the 2008 ozone NAAQS by the applicable Marginal attainment date (*i.e.*, by July 20, 2015) and reclassified the area as Moderate. 81 FR 26697 (May 4, 2016). For Moderate ozone nonattainment areas, the attainment date is as expeditious as practicable but not later than July 20, 2018. See 40 CFR 51.1103(a). States with newly-reclassified Moderate ozone areas were required to submit SIP revisions meeting the applicable Moderate area requirements by January 1, 2017. 81 FR 26697 (May 4, 2016).

II. State Request for Reclassification

As described above, in 2016, the EPA reclassified the Eastern Kern 2008 ozone nonattainment area to Moderate, and, in response to the reclassification, the Eastern Kern Air Pollution Control District (EKAPCD) began to develop an ozone plan meeting the applicable ozone nonattainment area requirements, such as an attainment demonstration. However, in light of the attainment demonstration needs for the area, the EKAPCD developed the ozone plan, titled *Eastern Kern Air Pollution Control District 2017 Ozone Attainment Plan for the Federal 75 ppb 8-Hour Ozone Standard* (“Eastern Kern 2017 Ozone Plan”), to meet Serious, rather than Moderate, ozone nonattainment requirements. The Eastern Kern 2017 Ozone Plan includes a request to the California Air Resources Board (CARB) to formally submit a request to the EPA asking for voluntary reclassification of the Eastern Kern ozone nonattainment area from Moderate to Serious for the 2008 ozone NAAQS.⁴ On July 27, 2017, the EKAPCD adopted the Eastern Kern 2017 Ozone Plan and transmitted the plan to CARB for approval and submittal to the EPA. Through Resolution 17–25 (dated September 28, 2017), CARB adopted the plan and the EKAPCD’s request for voluntary

county excluding Indian Wells Valley. For more detail on the boundaries of the Eastern Kern ozone nonattainment area, see the 2008 ozone table in 40 CFR 81.305.

⁴ See page vi of the Eastern Kern 2017 Ozone Plan.

reclassification. Subsequently, on October 25, 2017, CARB submitted the Eastern Kern 2017 Ozone Plan to the EPA as a revision to the California SIP. CARB's October 25, 2017 SIP revision submittal constitutes a request for reclassification of the Eastern Kern ozone nonattainment area.

III. Evaluation of Voluntary Reclassification Request

Under the EPA's ozone implementation rule at 40 CFR 51.1103(b), a state may request, and the EPA must approve, a higher classification for any reason in accordance with CAA section 181(b)(3).⁵ We find that the plain language of CAA section 181(b)(3) and 40 CFR 51.1103(b) mandates that we approve voluntary reclassification requests, and thus, the EPA proposes in this action to grant CARB's request to reclassify the Eastern Kern nonattainment area from Moderate to Serious for the 2008 ozone NAAQS. Upon the effective date of a final action granting the reclassification, the area will be required to attain the 2008 ozone NAAQS as expeditiously as practicable, but not later than July 20, 2021.

By granting a state's request to reclassify an ozone nonattainment area to a higher classification, the EPA must address submittal deadlines for SIP requirements that have become applicable to an area as a result of its higher classification. Such SIP requirements include submittals that include provisions to require implementation of RACT for existing stationary sources and permits for new or modified stationary sources (*i.e.*, NSR), and to provide for RFP, attainment and contingency measures. For areas reclassified from Moderate to Serious, the "major source" threshold for RACT and NSR purposes falls from 100 tons per year of VOC or NO_x to 50 tons per year of VOC or NO_x.

As noted above, in October 2017, CARB submitted the Eastern Kern 2017 Ozone Plan to the EPA as a revision to the California SIP. We have reviewed the October 2017 submittal and find that it addresses the following Serious ozone area SIP requirements: Base year emissions inventory, emission statements, reasonably available control measure (RACM) demonstration, RFP, attainment demonstration and contingency measures.

In addition, on August 9, 2017, CARB submitted the EKAPCD's *Reasonably Available Control Technology (RACT)*

State Implementation Plan (SIP) for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) ("Eastern Kern 2017 RACT SIP") to the EPA as a revision to the California SIP. The Eastern Kern 2017 RACT SIP was developed to meet the RACT requirements for Serious ozone nonattainment areas in anticipation of submittal by CARB to the EPA of the voluntary reclassification request contained in the Eastern Kern 2017 Ozone Plan.⁶ We have reviewed the August 2017 SIP submittal and find that it addresses the following Serious ozone area RACT-related SIP requirements: VOC sources covered by a Control Technology Guidelines (CTG) document and non-CTG major sources of VOC. The Eastern Kern 2017 RACT SIP does not fully address RACT requirements for non-CTG major sources of NO_x.

Upon review of the two SIP revision submittals described above, we find that all the SIP elements that apply to Eastern Kern as a Serious ozone nonattainment area for the 2008 ozone NAAQS have been addressed except for NSR and RACT for major sources of NO_x. The EPA is proposing a schedule for additional SIP revisions for these two SIP elements of no later than 12 months from the effective date of reclassification.⁷

IV. Proposed Action and Public Comment

Pursuant to CAA section 181(b)(3) and 40 CFR 51.1103(b), the EPA is proposing to grant the reclassification request by the State of California for the Eastern Kern 2008 ozone nonattainment area from Moderate to Serious, and to change the "California—2008 8-Hour Ozone NAAQS (Primary and secondary)" table in 40 CFR 81.305 accordingly. In connection with the reclassification, the EPA is proposing to establish a deadline of no later than 12 months from the effective date of reclassification for submittal of revisions to the Eastern Kern portion of the SIP to meet the Serious area requirements for NSR and for RACT for major sources of NO_x. The EPA is not proposing a SIP revision schedule for

any Serious area SIP requirements for which SIP submittals have already been received. We will accept comments from the public on this proposal until June 13, 2018.

V. Statutory and Executive Order Reviews

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. Voluntary reclassifications under section 181(b)(3) of the CAA are based solely upon requests by the state, and the EPA is required under the CAA to grant them. This proposed action does not, in and of itself, impose any new requirements on any sector of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classification, reclassification does not impose a materially adverse impact under Executive Order 12866. For these reasons, this proposed action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). Furthermore, this proposed action is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because actions such as reclassifications made at the request of a state are exempt under Executive Order 12866.

In addition, I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposed action does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), because the EPA is required to grant requests by states for voluntary reclassifications and such reclassifications in and of themselves do not impose any federal intergovernmental mandate.

Executive Order 13175 (65 FR 67249, November 9, 2000) requires the EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the

⁶ See pages 9 and 10 of the Eastern Kern 2017 RACT SIP.

⁷ Upon the effective date of reclassification, we note that certain regulatory changes would occur automatically and do not require a SIP revision. For example, upon reclassification from Moderate to Serious, the applicability (or "de minimis") thresholds under our General Conformity rule (see 40 CFR part 93) would drop from 100 tons per year to 50 tons per year for VOC or NO_x. See 40 CFR 93.153(b)(1). Under the General Conformity rule, federal agencies bear the responsibility of determining conformity of actions in nonattainment and maintenance areas that require Federal permits, approvals, or funding.

⁵ CAA section 181(b)(3) provides that the EPA shall grant the request of any state to reclassify an ozone nonattainment area to a higher classification.

relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.” There are no Indian reservation lands or other areas where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction within the Eastern Kern ozone nonattainment area, and thus, this proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175.

This proposed action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This proposed action does not alter the relationship or the distribution of power

and responsibilities established in the Clean Air Act.

This proposed rule also is not subject to Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because the EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation.

Reclassification actions do not involve technical standards and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent

practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs policies, and activities on minority populations and low-income populations in the United States. This proposed reclassification action relates to ozone, a pollutant that is regional in nature, and is not the type of action that could result in the types of local impacts addressed in Executive Order 12898.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, National parks, Ozone, Wilderness areas.

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

Dated: May 1, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–10217 Filed 5–11–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 83, No. 93

Monday, May 14, 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

Agricultural Marketing Service

[Document No. AMS-LPS-18-0020]

2018 Rates Charged for AMS Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the 2018 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, and cotton and tobacco. The 2018 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year the majority of AMS user fee rates will remain unchanged, with the exception of increases for meat, poultry and egg grading and the hourly rate for AMS's Laboratory Approval Service.

DATES: May 15, 2018.

FOR FURTHER INFORMATION CONTACT:

Charles Parrott, AMS, U.S. Department of Agriculture, Room 3070-S, 1400 Independence Ave. SW, Washington, DC 20250; telephone (202) 260-9144, fax (202) 692-0313, email charles.parrott@ams.usda.gov.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended, (AMA) (7 U.S.C. 1621-1627), provides for the collection of fees to cover costs of various inspection, grading, certification or auditing services covering many agricultural commodities and products. The AMA

also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471-476) and the U.S. Cotton Standards Act (7 U.S.C. 51-65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services and the Tobacco Inspection Act (7 U.S.C. 511-511s) provides for tobacco inspection and grading. These Acts also provide for the recovery of costs associated with these services.

On November 13, 2014, the Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user-funded programs.

This notice announces the 2018 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. The fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws. The cotton futures-related services effective date has been changed to August 1 to allow for cotton contracts to expire before starting a new fee rate.

The rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection or certification of quality factors in accordance with established U.S. Grade Standards or other

specifications; audits or accreditation according to International Organization for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

In recent years, many buyers have begun to specifically require that their producers be certified to a Global Food Safety Initiative (GFSI) benchmarked scheme. At the request of industry, AMS is starting a new voluntary program that provides GFSI's recognition of the USDA GAP audit verification program. This voluntary program will allow producers to use AMS' trusted and proven services to gain wider market access. Accordingly, AMS is including its voluntary GFSI service audit fee in this notice. The fee includes the fixed cost to maintain GFSI recognition.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471-476), consultations regarding the establishment of the fee for cotton classification with U.S. cotton industry representatives are held in the beginning of the year when most industry stakeholder meetings take place. Representatives of all segments of the cotton industry, including producers, ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of the fees during various industry-sponsored forums.

Rates Calculations

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage

of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

AMS adjusts the rates to cover all of its expenses and to provide for reasonable operating reserves. To avoid an undue burden on industry operations in these cases, AMS started to phase in some of the increases over a multi-year period. AMS continued this process and reassessed whether the fee rates and phase-in period were appropriate based on the formula and established operating reserve. Fees are being adjusted accordingly.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2018 RATES

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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Cotton Fees

7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation

Subpart A—Regulations; §§ 27.80–27.90 Costs of Classifications and Micronaire

Cotton Standardization

Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers).	\$4.25/bale	X	August 1, 2018.
Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed).	\$0.20/bale or \$5.00 per page minimum	X	August 1, 2018.

7 CFR Part 28—Cotton Classing, Testing, and Standards

Subpart A—Regulations Under the United States Cotton Standards Act; §§ 28.115–28.126 Fees and Costs

Subpart D—Cotton Classification and Market News Service for Producers; § 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification

Cotton Grading

Form 1: Grading Services for Producers (submitted by licensed sampler).	\$2.30/bale	X	July 1, 2018.
Form 1 Review (new sample submitted by licensed sampler).	\$2.30/bale	X	July 1, 2018.
Form A Determinations (sample submitted by licensed warehouse).	\$2.30/bale	X	July 1, 2018.
Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision).	\$2.30/bale	.....	July 1, 2018.
Form D Determination (sample submitted by owner or agent; classification represents sample only).	\$2.30/bale	X	July 1, 2018.
Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only).	\$6.00/sample	X	August 1, 2018.
Arbitration (comparison of a sample to the official standards or a sample type).	\$6.00/sample	X	August 1, 2018.
Practical Cotton Classing Exam (for non-USDA employees).	Exam: \$150/applicant Reexamination: \$130/applicant	X	July 1, 2018.
Special Sample Handling (return of samples per request).	\$0.50/sample	X	July 1, 2018.

2018 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Electronic Copy of Classification Record	\$0.05/bale (\$5.00/month minimum with any records received)			X	July 1, 2018.
Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination).	\$0.15/bale or \$5.00/page minimum			X	August 1, 2018.
Form R (reissuance of Form 1 classification only)	\$0.15/bale or \$5.00/page minimum			X	July 1, 2018.
International Instrument Level Assessment	\$4.00/sample			X	July 1, 2018.

Dairy Fees

7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; §§ 58.38–58.46
Fees and Charges

Continuous Resident Grading Service	\$76.00	\$90.92	\$107.24	X	Oct 1, 2018.
Non-resident and Intermittent Grading Service; State Graders; Equipment Review.	82.00	96.76	116.64	X	Oct 1, 2018.
Non-resident Services 6 p.m.–6 a.m. (10 percent night differential).	90.20	106.44	128.32	X	Oct 1, 2018.
Export Certificate Services	82.00	N/A	N/A	.....	Oct 1, 2018.
Special Handling	41.00	N/A	N/A	.....	Oct 1, 2018.
Fax Charge	4.00	N/A	N/A	.....	Oct 1, 2018.
Derogation Application	123.00	N/A	N/A	.....	Oct 1, 2018.

Specialty Crops Fees

7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards

Subpart A—Regulations; §§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets; § 51.45 Schedule of Fees and Charges at Shipping Point Areas

Quality and Condition Inspections for Whole Lots	\$191.00 per lot			.....	Oct 1, 2018.
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots.	\$159.00 per lot			.....	Oct 1, 2018.
Condition—Half Lot	\$146.00 per lot			.....	Oct 1, 2018.
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product.	\$87.00 per lot			.....	Oct 1, 2018.
Dockside Inspections—Each package weighing < 30 lbs.	\$0.044 per pkg.			.....	Oct 1, 2018.
Dockside Inspections—Each package weighing > 30 lbs.	\$0.068 per pkg.			.....	Oct 1, 2018.
Charge per Individual Product for Dockside Inspection ...	\$174.00 per lot			.....	Oct 1, 2018.
Charge per Each Additional Lot of the Same Product	\$79.00 per lot			.....	Oct 1, 2018.
Inspections for All Hourly Work	\$85.00	\$112.00	\$148.00	.....	Oct 1, 2018.
Audit Services—Federal	\$108.00			.....	Oct 1, 2018.
Audit Services—State	\$108.00			.....	Oct 1, 2018.
GFSI Certification Fee	\$250 per audit			.....	Oct 1, 20

7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products

Subpart—Regulations Governing Inspection and Certification; §§ 52.41–52.51 Fees and Charges

Lot Inspections	\$75.00	\$95.00	\$116.00	X	Oct 1, 2018.
In-plant Inspections Under Annual Contract (year-round)	72.00	92.00	112.00	X	Oct 1, 2018.

2018 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Additional Graders (in-plant) or Less Than Year-Round ..	83.00	106.00	128.00	X	Oct 1, 2018.
Audit Services—Federal	\$108.00			.....	Oct 1, 2018.
Audit Services—State	\$108.00			.....	Oct 1, 2018.
GFSI Certification Fee	\$250 per audit			.....	Oct 1, 2018.

Meat and Livestock Fees

7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)

Subpart A—Regulations; §§ 54.27–54.28 Charges for Service

Commitment Grading	\$74.00	\$91.00	\$109.00	X	Oct 1, 2018.
Non-commitment Grading	99.00	115.00	134.00	.....	Oct 1, 2018.
Night Differential (6 p.m.–6 a.m.)	81.00	100.00	120.00	X	Oct 1, 2018.

7 CFR Part 62—Livestock, Meat and Other Agricultural Commodities (Quality Systems Verification Programs)

Subpart A—Quality Systems Verification Definitions; § 62.300 Fees and Other Costs for Service

Auditing Activities	\$108.00			Oct 1, 2018.
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Poultry Fees

7 CFR Part 56—Voluntary Grading of Shell Eggs

Subpart A—Grading of Shell Eggs; §§ 56.45–56.54 Fees and Charges

7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products

Subpart A—Grading of Poultry and Rabbit Products; §§ 70.70–70.78 Fees and Charges

Resident Service (in-plant)	¹ \$52.00	¹ \$69.00	¹ \$85.00	X	Oct 1, 2018.
Resident, Night Differential (6 p.m.–6 a.m.)	¹ 55.00	¹ 77.00	¹ 95.00	X	Oct 1, 2018.
Resident, Sunday Differential	¹ 64.00	¹ 86.00	N/A	X	Oct 1, 2018.
Resident, Sunday and Night Differential	¹ 71.00	¹ 96.00	N/A	X	Oct 1, 2018.
Fee Service (non-scheduled)	90.00	111.00	134.00	.....	Oct 1, 2018.
Audit Service	\$108.00	.....	.....	.....	Oct 1, 2018.

Science and Technology Fees

7 CFR Part 91—Services and General Information (Science and Technology)

Subpart I—Fees and Charges; §§ 91.37–91.45

Laboratory Testing Services	\$88.00	\$104.00	\$120.00	.....	Oct 1, 2018.
Laboratory Approval Services ³	188.00	212.00	236.00	X	Jan 1, 2019.

7 CFR Part 75—Regulations for Inspection and Certification of Quality of Agricultural and Vegetable Seeds

§ 75.41 General

Laboratory Testing	\$58.00	\$86.00	\$115.00	X	Oct 1, 2018.
Administrative Fee	\$14.50 per certificate	.....	.....	.....	Oct 1, 2018.

Tobacco Fees

7 CFR Part 29—Tobacco Inspection

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets;

Subpart B—Regulations; §§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area; § 29.9251 Fees and Charges

Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, re-testing of imported tobacco, and grading tobacco for research stations).	\$55.00	\$64.00	\$72.00	July 1, 2018.
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2018 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration).	\$0.0025/pound			X	July 1, 2018.
Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations).	\$0.015/pound			X	July 1, 2018.
Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing).	\$0.0065/kg or \$0.0029/pound			X	July 1, 2018.
Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping).	\$115.00/sample and \$55.00/hour			X	July 1, 2018.
Standards Course (training by USDA-certified instructor on tobacco grading procedures).	\$1,250.00/person			.....	July 1, 2018.
Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers).	\$0.0170/kg or \$0.0080/pound			X	July 1, 2018.

¹ Administrative charges are applied in addition to hourly rates for resident service as specified in Part 56, Subpart A, § 56.52(a)(4); Part 56, Subpart A, § 56.54(a)(2); Part 70, Subpart A, § 70.76(a)(2); Part 70, Subpart A, § 70.77(a)(4) and Part 70, Subpart A, § 70.77(a)(5).

³ Travel costs outside the United States will be added to the fee, if applicable.

Authority: 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511, 511s; and 7 U.S.C. 1621–1627.

Dated: May 8, 2018.

Bruce Summers,
Acting Administrator.

[FR Doc. 2018–10132 Filed 5–11–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent to Renew Information Collection, Correction

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comment.

SUMMARY: The U.S. Department of Agriculture (USDA) seeks comments on the intent of the USNA to renew an information collection that expires August 31, 2018. The information collection serves as a means to collect for certain use of the facilities, grounds, programs and services. This includes fees for educational programs and workshops and for use of the grounds and facilities, as well as for commercial photography and cinematography. Fees generated will be used to defray USNA expenses or to promote the missions of the USNA.

DATES: Comments on this notice must be received by June 1, 2018 to be assured of consideration.

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

- *Email:* richard.olsen@ars.usda.gov.
- *Fax:* 202–245–4514.
- *Mail:* Director, U.S. National Arboretum, Northeast Area, Agricultural Research Service, 3501 New York Avenue NE, Washington, DC 20002.
- *Hand Delivery/Courier:* Director, U.S. National Arboretum, Northeast Area, Agricultural Research Service, 3501 New York Avenue NE, Washington, DC 20002.

Correction

In the **Federal Register** of April 2, 2018, FR Doc. No. 63, page 13943, on page three, paras 5, 6, and 7 of the Supplement Information should read as follows:

Estimate of Burden: 151 hours.

Estimated Number of Responses: The USNA estimates 250 requests for the use of the facilities, 52 for photography and cinematography, and 1,800 educational programs and workshops registrations on an annual basis.

Estimate of Total Annual Burden on Respondents: The total cost for responding is \$5,422.41, for 151 hours of time at \$35.91 per hour.

Dated: April 24, 2018.

Simon Y. Liu,
Associate Administrator, ARS.

[FR Doc. 2018–10196 Filed 5–11–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 9, 2018.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to:

OIRA Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602.

Comments regarding these information collections are best assured of having their full effect if received by June 13, 2018. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Regulations for the Inspection of Eggs.

OMB Control Number: 0581-0113.

Summary of Collection: Congress enacted the Egg Products Inspection Act (21 U.S.C. 1031-1056) (EPIA) to provide a mandatory inspection program to assure egg products are processed under sanitary conditions, are wholesome, unadulterated, and properly labeled; to control the disposition of dirty and checked shell eggs; to control unwholesome, adulterated, and inedible egg products and shell eggs that are unfit for human consumption; and to control the movement and disposition of imported shell eggs and egg products that are unwholesome and inedible. Regulations developed under 7 CFR part 57 provide the requirements and guidelines for the Department and industry needed to obtain compliance. The Agricultural Marketing Service (AMS) will collect information using several forms. Forms used to collect information provide method for measuring workload, record of compliance and non-compliance and a basis to monitor the utilization of funds.

Need and Use of the Information: AMS will use the information to assure compliance with the Act and regulations, to take administrative and regulatory action and to develop and revise cooperative agreements with the States, which conduct surveillance inspections of shell egg handlers and processors. If the information is not collected, AMS would not be able to control the processing, movement, and disposition of restricted shell eggs and egg products and take regulatory action in case of noncompliance.

Description of Respondents: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 805.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly.

Total Burden Hours: 1,942.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018-10172 Filed 5-11-18; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's intention to request a revision for a currently approved information collection in support of the Business and Industry (B&I) Loan Program.

DATES: Comments on this notice must be received by July 13, 2018 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Janna Bruce, Business and Industry Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, Stop 3224, telephone (202) 401-0081, or email janna.bruce@wdc.usda.gov. Persons with disabilities who require alternative means of communication for program information should contact USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:

Title: Business and Industry Loan Program.

OMB Number: 0570-0014.

Expiration Date of Approval: September 30, 2018.

Type of Request: Revision of a currently approved information collection and recordkeeping requirements.

Abstract: The collected information is submitted to the B&I loan official by loan applicants and commercial lenders for use in making program eligibility, financial feasibility determinations and loan security determinations as required by the Con Act.

Estimate of Burden: Public reporting for this collection of information is estimated to average 3 hours per response.

Respondents: Individuals, rural businesses, for profit businesses, non-profit businesses, Indian tribes, public bodies, cooperatives.

Estimated Number of Respondents: 16.

Estimated Number of Responses per Respondent: 4.31.

Estimated Number of Responses: 69.

Estimated Total Annual Burden on Respondents: 228 hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, at (202) 692-0040.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of Rural Business-Cooperative Service, including whether the information will have practical utility; (b) the accuracy of Rural Business-Cooperative Service's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 5, 2018.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018-10222 Filed 5-11-18; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and

Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: Current Population Survey (CPS), Basic Demographic Items.

OMB Control Number: 0607–0049.

Form Number(s): There are no forms for data collection. We conduct all interviews on computers.

Type of Request: Regular Submission.

Number of Respondents: 59,000 per month, all of which also receive the labor force items directly after the basic demographic items.

Average Hours per Response: 1.5 minutes.

Burden Hours: 0.025 hours.

Needs and Uses: The CPS has been the source of official government statistics on employment and unemployment for over 60 years. The Bureau of Labor Statistics (BLS) and the Census Bureau jointly sponsor the basic monthly survey. The Census Bureau prepares and conducts all the field work. At the OMB's request, the Census Bureau and the BLS divide the clearance request in order to reflect the joint sponsorship and funding of the CPS program. The BLS submits a separate clearance request for the portion of the CPS that collects labor force information for the civilian noninstitutionalized population. Some of the information within that portion includes employment status, number of hours worked, job search activities, earnings, duration of unemployment, and the industry and occupation classification of the job held the previous week. The justification that follows is in support of the demographic data collected through the basic monthly CPS.

The demographic information collected in the CPS provides a unique set of data on selected characteristics for the civilian noninstitutionalized

population. Some of the demographic information collected are age, marital status, sex, Armed Forces status, educational attainment, race, and Hispanic ethnicity. BLS and the Census Bureau analyze and publish these demographic data in conjunction with the monthly labor force data collected in the monthly CPS as well as data collected through periodic supplemental surveys to the CPS. The Census Bureau also uses the demographic data for internal research projects, including the evaluation of other surveys. The Census Bureau uses population estimates from the CPS to serve as population controls for other Census programs, such as the American Time Use Survey. Controls are used in estimation procedures during data processing. The ratio of a control to a sample survey estimate is applied to that sample estimate, resulting in the sample survey estimate matching the control.

In addition to the basic demographic information, the monthly CPS includes a small set of questions that are only asked on an "as-needed" basis, to react to a severe weather-related event, such as a hurricane or flood. If such an event (weather disaster) occurs, and BLS and the Census Bureau determine a need to include these questions on the number of persons in the U.S. displaced as a result of the disaster, where they evacuated to, and when they returned home, the questions are added temporarily to the survey. The items typically are included for several months in the CPS, and once BLS and the Census Bureau determine that they are no longer needed, they are removed.

Affected Public: Households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, U.S.C., Section 182 and Title 29, U.S.C., Sections 1–9.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202)395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–10189 Filed 5–11–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[04/16/2018 through 05/06/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
Oneda Corporation	4000 Oneda Drive, Columbus, GA 31907.	4/19/2018	The firm manufactures metal stamped parts and assemblies, including brackets, chassis, covers, frames, and cases.
Dalton Corporation	1900 East Jefferson Street, Warsaw, IN 46580.	4/26/2018	The firm manufactures large and highly-cored gray iron cast parts, such as those used in gear boxes.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be

submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce,

Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are

received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,
Program Analyst.

[FR Doc. 2018-10205 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-WH-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S-43-2018]

Approval of Subzone Status; Manuel Freije Arce, Inc.; Cataño, Puerto Rico

On March 6, 2018, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Puerto Rico Trade and Export Company, grantee of FTZ 61, requesting subzone status subject to the existing activation limit of FTZ 61, on behalf of Manuel Freije Arce, Inc., in Cataño, Puerto Rico.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (83 FR 10658, March 12, 2018). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 61U was approved on May 9, 2018, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 61's 1,821.07-acre activation limit.

Dated: May 9, 2018.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2018-10203 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-523-808]

Certain Steel Nails From the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2016-2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain steel nails (nails) from the Sultanate of Oman (Oman) are being, or are likely to be, sold in the United States at less than normal value during the period of review (POR) of July 1, 2016, through June 30, 2017. Additionally, we are rescinding the review with respect to ten companies.

DATES: Applicable May 14, 2018.

FOR FURTHER INFORMATION CONTACT: Joseph Traw or Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6079 or (202) 482-3936, respectively.

SUPPLEMENTARY INFORMATION On July 13, 2015, Commerce published in the **Federal Register** an antidumping (AD) order on nails from Oman.¹ On July 3, 2017, Commerce notified interested parties of the opportunity to request an administrative review of orders, findings, or suspended investigations with anniversaries in July 2017, including the AD Order on nails from Oman. Commerce received timely requests from Oman Fasteners LLC (Oman Fasteners) and Mid Continent Steel & Wire, Inc. (the petitioner) to conduct an administrative review of certain exporters covering the POR. On September 13, 2017, Commerce published a notice initiating an AD administrative review of nails from Oman covering 13 companies for the POR.²

In the *Initiation Notice*, Commerce indicated that, in the event that we would limit the respondents selected for individual examination in accordance

with section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), we would select mandatory respondents for individual examination based upon U.S. Customers and Border Protection (CBP) entry data.³ On September 22, 2017, we released CBP entry data under Administrative Protective Order (APO) to all parties with access to information protected by APO. Subsequently, we issued the AD questionnaire to Oman Fasteners and Overseas International Steel Industry LLC and Overseas Distribution Services Inc. (OISI/ODS),⁴ the two mandatory respondents.⁵ On November 9, 2017, the petitioner timely withdrew its request for administrative review, pursuant to 19 CFR 351.213(d)(1), of all the producers and exporters except for Oman Fasteners, and OISI/ODS.

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.⁶ Accordingly, the revised deadline for the preliminary determination of this investigation became April 7, 2018.⁷ On March 14, 2018, Commerce extended the preliminary results in this review to no later than May 7, 2018.⁸ Commerce received comments for the preliminary determination from the petitioner⁹ and Oman Fasteners on April 18, 2018.¹⁰

Partial Rescission of Administrative Review

Commerce received timely requests to conduct an administrative review of certain exporters covering the POR. Because the petitioner timely withdrew its requests for review of all of the companies listed in the *Initiation Notice*, with the exception of Oman Fasteners and OISI/ODS, we are

³ See *Initiation Notice*, 82 FR at 42974.

⁴ See Letter from the petitioner, "Certain Steel Nails from Oman: Withdrawal of Request for Administrative Review," dated November 9, 2017. Commerce determined that Overseas International Steel Industry LLC and Overseas Distribution Services Inc. should be a collapsed entity in the previous administrative review. See *Certain Steel Nails from the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2014-2016*, 83 FR 4030 (January 29, 2018).

⁵ See Commerce's Letters to Oman Fasteners and OISI/ODS dated September 28, 2017.

⁶ 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.

⁷ *Id.*

⁸ See Memorandum, "Certain Steel Nails from Oman: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated March 14, 2018.

⁹ See Petitioner's Letter, "Certain Steel Nails from Oman: Pre-Preliminary Comments," dated April 18, 2018.

¹⁰ See Oman Fasteners' Letter, "Certain Steel Nails from Oman: Antidumping Second Review: Pre-Preliminary Comments," dated April 18, 2018.

¹ See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (Order).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 42974 (September 13, 2017) (*Initiation Notice*).

rescinding the administrative review with respect to those 10 companies, pursuant to 19 CFR 351.213(d)(1).¹¹ Accordingly, the remaining companies subject to the instant review are Oman Fasteners and OISI/ODS.

Scope of the Order

The merchandise covered by this Order is nails having a nominal shaft length not exceeding 12 inches.¹² Merchandise covered by the Order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Nails subject to this Order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this Order is dispositive. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.¹³

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the

Preliminary Decision Memorandum are identical in content.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.¹⁴ A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Adverse Facts Available

Section 776(a) of the Act provides that Commerce shall, subject to section 782(d) of the Act, use "facts otherwise available" if: (1) Necessary information is not on the record; or (2) an interested party or any other person: (A) Withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form and manner requested by Commerce, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

Section 776(b) of the Act provides that Commerce may use an adverse inference in applying the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information (*i.e.*, adverse facts available, or AFA). In so doing, and under the Trade Preferences Extension Act of 2015 (TPEA), Commerce is not required to determine, or make any adjustments to, a weighted-average dumping margin based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information. Further, section 776(b)(2) of the Act states that an adverse inference may include reliance on information derived from the petition, the final determination from the less than fair value investigation, a previous administrative review, or other information placed on the record.

Section 776(c) of the Act provides that, in general, when Commerce relies on secondary information rather than on information obtained in the course of an investigation, it shall, to the extent practicable, corroborate that information from independent sources that are

reasonably at its disposal. Secondary information is defined as information derived from the petition that gave rise to the investigation, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise. However, Commerce is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.

Under section 776(d) of the Act, Commerce may use any dumping margin from any segment of a proceeding under an AD order when applying an adverse inference, including the highest of such margins. The TPEA also makes clear that when selecting an AFA margin, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an "alleged commercial reality" of the interested party.

In accordance with section 776 of the Act, Commerce preliminarily determines that the application of facts available is warranted for the collapsed entity OISI/ODS because OISI/ODS did not respond to the antidumping questionnaire and, thus, has not provided the necessary information on the record, pursuant to section 776(a)(1) of the Act. Specifically, OISI/ODS has withheld requested information, failed to provide such information in the form and manner required, and impeded this review, thus, the use of facts available for the preliminary results is warranted, pursuant to sections 776(a)(2)(A), (B), and (C) of the Act. For a full discussion, see the Preliminary Decision Memorandum.

Furthermore, by withholding requested information, failing to provide such information in the manner and form required, and impeding this review, OISI/ODS failed to cooperate with Commerce by not acting to the best of its ability to comply with a request for information by Commerce, pursuant to section 776(b)(1) of the Act. Accordingly, we preliminarily determine to apply AFA to OISI/ODS, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. Furthermore, as we do not have information on the record to calculate a margin for OISI/ODS, we have calculated its margin based on total AFA. Specifically, we are applying as AFA, a margin of 154.33 percent, which was alleged by the petitioner in the

¹¹ Airlift Trans Oceanic Pvt. Ltd., Astrotech Steels Private Ltd, C.H. Robinson, Consolidated Shipping Services LLC, Dahmay Logistics Private Ltd., Flyjac Logistics Private Ltd., Intermarket (India) Private Ltd., Noble Shipping Private Ltd., Panalpina World Transport (I) Pvt. Ltd., and Swift Freight India Private Ltd.

¹² The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

¹³ See Memorandum, "Decision Memorandum for Preliminary Results of the 2014–2016 Antidumping Duty Administrative Review of Certain Steel Nails from the Sultanate of Oman," dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

¹⁴ See Preliminary Decision Memorandum.

petition filed in the investigation,¹⁵ and which we applied to OISI/ODS in the first administrative review in this proceeding. Because we applied this margin to OISI/ODS in the prior review, it is unnecessary to corroborate this margin pursuant to section 776(c)(2) of the Act. For further discussion, see the Preliminary Decision Memorandum.

Duty Absorption

On October 10, 2017, the petitioner requested that Commerce conduct a duty absorption review with respect to all producers/exporters subject to this review.¹⁶ We have determined not to examine duty absorption with regard to Oman Fasteners and the ten companies for which we are rescinding the review, but we have found that duty absorption exists with respect to OISI/ODS based on AFA.¹⁷

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2016, through June 30, 2017:

Exporter/producer	Weighted-average dumping margins (percent)
Oman Fasteners LLC	0.00
Overseas International Steel Industry LLC/Overseas Distribution Services Inc.	154.33

Disclosure and Public Comment

Commerce intends to disclose the calculations used in our analysis to interested parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.¹⁸ Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) A statement of the

issue, (2) a brief summary of the argument, and (3) a table of authorities.¹⁹ Executive summaries should be limited to five pages total, including footnotes.²⁰ Case and rebuttal briefs should be filed using ACCESS.²¹

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. If a hearing is requested, Commerce will notify interested parties of the hearing schedule. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.²²

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (i.e., 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales, in accordance with 19 CFR 351.212(b)(1).²³ For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP

to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.²⁴ Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the ten companies for which this review is rescinded, antidumping duties will be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawn from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirement

The following cash deposit requirements will be effective upon publication of the notice of the final results of administrative review for all shipments of nails from Oman entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis*, no cash deposit will be required); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.10 percent *ad valorem*, the all-others rate

¹⁵ See *Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 79 FR 36019, 36023–36024 (June 25, 2014).

¹⁶ See Letter from the petitioner, "Certain Steel Nails from Oman: Request for Duty Absorption Inquiry," dated October 10, 2017.

¹⁷ See Preliminary Decision Memorandum at 17.

¹⁸ See 19 CFR 351.309(d)(1).

¹⁹ See 19 CFR 351.309(c)(2) and (d)(2).

²⁰ *Id.*

²¹ See 19 CFR 351.303.

²² See section 751(a)(3)(A) of the Act.

²³ In these preliminary results, Commerce applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

²⁴ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

established in the less-than-fair value investigation.²⁵

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results and partial rescission of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: May 7, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Affiliation
- V. Use of Facts Otherwise Available and Adverse Interferences
- VI. Discussion of the Methodology
- VII. Duty Absorption
- VIII. Recommendation

[FR Doc. 2018-10201 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-854]

Supercalendered Paper From Canada: Initiation of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based upon a request from Verso Corporation (Verso) (*i.e.*, the petitioner), the Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) to consider the possible revocation of the countervailing duty (CVD) order on

supercalendered paper (SC paper) from Canada.

DATES: May 14, 2018.

FOR FURTHER INFORMATION CONTACT: Emily Halle or Nicholas Czajkowski, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-0176 or (202) 482-1395, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2015, Commerce published the *CVD Order* on SC paper from Canada.¹ On March 21, 2018, Verso requested that Commerce conduct a CCR, pursuant to section 782(h)(2) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.222(g)(1)(i). Verso expressed a lack of interest in the enforcement or existence of the *CVD Order*, and requested the retroactive revocation of the *CVD Order*, effective August 3, 2015.²

Scope of the Order

The product covered by the order is SC paper. SC paper is uncoated paper that has undergone a calendering process in which the base sheet, made of pulp and filler (typically, but not limited to, clay, talc, or other mineral additive), is processed through a set of supercalenders, a supercalender, or a soft nip calender operation.³

The scope of this order covers all SC paper regardless of basis weight, brightness, opacity, smoothness, or grade, and whether in rolls or in sheets. Further, the scope covers all SC paper that meets the scope definition regardless of the type of pulp fiber or filler material used to produce the paper.

Specifically excluded from the scope are imports of paper printed with final content of printed text or graphics.

Subject merchandise primarily enters under Harmonized Tariff Schedule of the United States (HTSUS) subheading 4802.61.3035, but may also enter under subheadings 4802.61.3010, 4802.62.3000, 4802.62.6020, and

4802.69.3000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Initiation of CCR

Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order, in whole or in part. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR under 19 CFR 351.216, and may revoke an order in whole or in part, if it determines that the producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order, in whole or in part.⁴ Section 351.216(d) of Commerce's regulations provides that if Commerce determines that changed circumstances sufficient to warrant a review exist, it will conduct a CCR, in accordance with 19 CFR 351.221.

Based on the information Verso provided in its request, Commerce has determined that changed circumstances sufficient to warrant the review exist.⁵ Both the Act and Commerce's regulations require that "substantially all" domestic producers express a lack of interest in the *CVD Order* for Commerce to revoke the *CVD Order*.⁶ Commerce has interpreted "substantially all" to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.⁷ The data provided in Verso's request indicated that it accounts for at least 85 percent of domestic production.

In accordance with section 751(b) of the Act and 19 CFR 351.221 and 351.222, based on an affirmative statement of no interest by the domestic parties in continuing the *CVD Order*, we are initiating this CCR.

⁴ See section 782(h) of the Act and 19 CFR 351.222(g)(1)–(2).

⁵ See 19 CFR 351.216(d).

⁶ See section 782(h) of the Act and 19 CFR 351.222(g).

⁷ See, e.g., *Certain Cased Pencils from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent to Revoke Order in Part*, 77 FR 42276 (July 18, 2012), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination To Revoke Order, in Part*, 77 FR 53176 (August 31, 2012).

²⁵ See *Certain Steel Nails from the Republic of Oman: Final Determination of Sales at Less Than Fair Value*, 80 FR 28955 (May 20, 2015).

Public Comment

Interested parties are invited to provide comments and/or factual information regarding the CCR. Comments and factual information may be submitted to Commerce no later than ten days after the date of publication of this notice. Rebuttal comments and rebuttal factual information may be filed with Commerce no later than five days after the comments and/or factual information are filed.⁸ All submissions must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).⁹ An electronically filed document must be received successfully in its entirety by ACCESS, by 5:00 p.m. Eastern Time on the due dates set forth in this notice.

Preliminary and Final Results of the Review

Commerce intends to publish in the **Federal Register** a notice of the preliminary results of the CCR in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i), which will set forth Commerce's preliminary factual and legal conclusions. Commerce will issue its final results of the CCR in accordance with the time limits set forth in 19 CFR 351.216(e).

This is issued and published in accordance with sections 751(b)(1), 777(i)(1), and 782(h) of the Act and 19 CFR 351.221(b)(1), (4), and 351.222(g).

Dated: May 7, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018-10202 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: National Institute of Standards and Technology (NIST)'s Visiting Committee on Advanced Technology (VCAT or Committee) will

meet on Tuesday, June 5, 2018, from 8:30 a.m. to 5:00 p.m. Eastern Time, and Wednesday June 6, 2018, from 8:30 a.m. to 11:30 a.m. Eastern Time. The VCAT is composed of not fewer than 9 members appointed by the NIST Director, eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

DATES: The VCAT will meet on Tuesday, June 5, 2018, from 8:30 a.m. to 5:00 p.m. and Wednesday, June 6th, 2018, from 8:30 a.m. to 11:30 a.m. Eastern Time.

ADDRESSES: The meeting will be held in the Portrait Room, Administration Building, at NIST, 100 Bureau Drive, Gaithersburg, Maryland, 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899-1060, telephone number 301-975-2667. Ms. Shaw's email address is stephanie.shaw@nist.gov.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278, as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on major programs at NIST. In addition, the meeting will include presentations and discussions on NIST's role in quantum science, and artificial intelligence. The Committee also will review NIST's facilities plans and progress on ongoing renovation efforts. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <http://www.nist.gov/director/vcat/agenda.cfm>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. Approximately one-half hour on Wednesday, June 6, 2018, will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but

is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST website at <http://www.nist.gov/director/vcat/agenda.cfm>. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland, 20899, via fax at 301-216-0529 or electronically by email to stephanie.shaw@nist.gov.

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Stephanie Shaw by 5:00 p.m. Eastern Time, Tuesday, May 29, 2018. Non-U.S. citizens must submit additional information; please contact Ms. Shaw. Ms. Shaw's email address is stephanie.shaw@nist.gov and her phone number is 301-975-2667. For participants attending in person, please note that federal agencies, including 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 Ms. Shaw at 301-975-2667 or visit: http://nist.gov/public_affairs/visitor/.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2018-10128 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Construction Safety Team Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold a meeting via webinar on Wednesday, May 16, 2018 from 1:00 p.m. to 4:00 p.m. Eastern Time. The primary purpose

⁸ Submission of rebuttal factual information must comply with 19 CFR 351.301(b)(2).

⁹ See, generally, 19 CFR 351.303.

of this meeting is to update the Committee on the progress of the NCST investigation of Hurricane Maria's effects on the U.S. territory of Puerto Rico. The goals of the investigation will be to characterize: (1) The wind environment and technical conditions associated with deaths and injuries; (2) the performance of representative critical buildings, and designated safe areas in those buildings, including their dependence on lifelines; and (3) the performance of emergency communications systems and the public's response to such communications. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee>.

DATES: The NCST Advisory Committee will meet on Wednesday, May 16, 2018 from 1:00 p.m. to 4:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via webinar. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Benjamin Davis, Management and Program Analyst, Community Resilience Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, Maryland 20899–8604. Mr. Davis' email address is Benjamin.Davis@nist.gov; and his phone number is (301) 975–6071.

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to Section 11 of the NCST Act (Pub. L. 107–231, codified at 15 U.S.C. 7301 *et seq.*). The Committee is currently composed of six members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. The Committee advises the Director of NIST on carrying out the NCST Act; reviews the procedures developed for conducting investigations; and reviews the reports issued documenting investigations. Background information on the NCST Act and information on the NCST Advisory Committee is available at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee>.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NCST Advisory Committee will meet on Wednesday, May 16, 2018 from 1:00

p.m. to 4:00 p.m. Eastern Time. The meeting will be open to the public. The meeting will be held via webinar. The primary purpose of this meeting is to update the Committee on the progress of the NCST investigation of Hurricane Maria's effects on the U.S. territory of Puerto Rico. The goals of the investigation will be to characterize: (1) The wind environment and technical conditions associated with deaths and injuries; (2) the performance of representative critical buildings, and designated safe areas in those buildings, including their dependence on lifelines; and (3) the performance of emergency communications systems and the public's response to such communications. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to request a place on the agenda. Approximately 15 minutes will be reserved near the conclusion of the meeting for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Mr. Benjamin Davis, Benjamin.Davis@nist.gov, by 5:00 p.m. Eastern Time, Friday, May 11, 2018. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend are invited to submit written statements to the NCST, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, or electronically by email to Benjamin.Davis@nist.gov.

To participate in the meeting, please submit your first and last name, email address, and phone number to Benjamin Davis at Benjamin.Davis@nist.gov or (301) 975–6071. After pre-registering, participants will be provided with detailed instructions on how to join the meeting remotely. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Friday, May 11, 2018, to attend. Please submit your full name, email address, and phone number to Benjamin Davis at Benjamin.Davis@nist.gov; his phone number is (301) 975–6071.

Kevin A. Kimball,
Chief of Staff.

[FR Doc. 2018–10163 Filed 5–11–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing Request for Comments on Lightweight Cryptography Requirements and Evaluation Criteria

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) is requesting comments on a proposed process to solicit, evaluate, and standardize one or more lightweight cryptographic algorithms. Current NIST cryptographic standards were designed to perform well on general-purpose computing platforms, and may not be suitable for some constrained computing environments. The draft requirements and evaluation criteria are available on the NIST Computer Security Resource Center website: <https://csrc.nist.gov/Projects/Lightweight-Cryptography>.

DATES: Comments must be received on or before June 28, 2018.

ADDRESSES: Comments may be sent electronically to lightweight-crypto@nist.gov with “Comment on Lightweight Cryptography Requirements and Evaluation Criteria” in the subject line. Written comments may also be submitted by mail to Information Technology Laboratory, ATTN: Lightweight Cryptography Comments, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930.

Comments received in response to this notice will be published electronically at <https://csrc.nist.gov/Projects/Lightweight-Cryptography>, so commenters should not include information they do not wish to be posted (e.g., personal or confidential business information).

FOR FURTHER INFORMATION CONTACT: Dr. Kerry McKay, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930, email: kerry.mckay@nist.gov, by telephone (301) 975–4969. Technical inquiries regarding the proposed draft acceptability

requirements, submission requirements, or the evaluation criteria should be sent electronically to lightweight-crypto@nist.gov.

A public email list has been set up for announcements, as well as a forum to discuss the standardization effort being initiated by NIST. For directions on how to subscribe, please visit <https://csrc.nist.gov/Projects/Lightweight-Cryptography>.

SUPPLEMENTARY INFORMATION: The deployment of small computing devices such as RFID tags, industrial controllers, sensor nodes and smart cards is becoming much more common. The shift from desktop computers to small devices brings a wide range of new security and privacy concerns. It is challenging to apply conventional cryptographic standards to small devices, because the tradeoff between security, performance and resource requirements was optimized for desktop and server environments, and this makes the standards difficult or impossible to implement in resource-constrained devices. Therefore, when current NIST-approved algorithms can be engineered to fit within the limited resources of constrained environments, their performance may not be acceptable.

There are several emerging areas in which highly-constrained devices are interconnected, working in concert to accomplish some task. Examples of these areas include: Automotive systems, sensor networks, healthcare, distributed control systems, the Internet of Things (IoT), cyber-physical systems, and the smart grid. In recent years, there has been increased demand for cryptographic standards that are tailored for constrained devices. NIST has decided to create a portfolio of lightweight cryptographic algorithms, designed for limited use in applications and environments where cryptographic operations are performed by constrained devices that are unable to use existing NIST standards.

Lightweight cryptography is a subfield of cryptography that aims to provide solutions tailored for resource-constrained devices. There has been a significant amount of work done by the academic community related to lightweight cryptography; this work includes efficient implementations of conventional cryptography standards, and the design and analysis of new lightweight primitives and protocols. The purpose of this notice is to solicit comments on the draft minimum acceptability requirements, submission requirements, evaluation criteria, and evaluation process of candidate

algorithms from the public, the cryptographic community, academic and research communities, manufacturers, voluntary standards organizations, and federal, state, and local government organizations so that their needs can be considered in the process of developing new lightweight cryptography standards. The draft requirements and evaluation criteria are available on the NIST Computer Security Resource Center website: <https://csrc.nist.gov/Projects/Lightweight-Cryptography>.

Authority: In accordance with the Information Technology Management Reform Act of 1996 (Pub. L. 104–106) and the Federal Information Security Management Act of 2002 (Pub. L. 107–347), the Secretary of Commerce is authorized to approve Federal Information Processing Standards. NIST activities to develop computer security standards to protect federal sensitive (unclassified) information systems are undertaken pursuant to specific responsibilities assigned to NIST by Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended.

Kevin A. Kimball,
Chief of Staff.

[FR Doc. 2018–10127 Filed 5–11–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG238

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a two day meeting of its Standing and Reef Fish Scientific and Statistical Committees (SSC).

DATES: The meeting will convene on Thursday, May 31, 2018, 8:30 a.m. to 5:30 p.m., and Friday, June 1, 2018, 8:30 a.m. to 2:30 p.m. EDT.

ADDRESSES: The meeting will be held in the Gulf Council's Conference Room.

Council address: Gulf of Mexico Fishery Management Council, 2203 N Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management

Council; steven.atran@gulfcouncil.org, telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Day 1—Thursday, May 31, 2018; 8:30 a.m.–5:30 p.m.

- I. Introductions and Adoption of Agenda
- II. Approval of March 26–27, 2018 SSC Minutes
- III. Selection of SSC representative at June 18–22, 2018 Council meeting in Key West, FL

Standing and Reef Fish SSC Session

- IV. SEDAR 37 Update (FWC hogfish assessment)
 - a. Review of assessment
 - b. OFL and ABC recommendations
- V. SEDAR 51 (gray snapper benchmark assessment)
 - a. Review of assessment
 - b. OFL and ABC recommendations
- VI. SEDAR 52 (red snapper standard assessment)
 - a. Review of assessment
 - b. Discard mortality estimates of red snapper by sector
 - c. Estimate of the reduction in mortality (numbers of fish) for red snapper from use of venting and descending devices
 - d. OFL and ABC recommendations

Day 2—Friday, June 1, 2018; 8:30 a.m.–2:30 p.m.

- VI. Continuation of SEDAR 52 (red snapper standard assessment)
- VII. SEDAR 64 (yellowtail snapper benchmark assessment)
 - a. Review and approval of terms of reference
 - b. Review and approval of schedule
 - c. Data, assessment, and review workshop appointments
- VIII. Discussion on Best Scientific Information Available
 - a. Review of National Standard 2
 - b. Council Coordinating Committee comments
- IX. Draft Reef Fish Amendment 48/Red Drum Amendment 5
 - a. Review of MSY Proxy Paper, “Establishing Stock Status Determination Criteria for Fisheries with High Discards and Uncertain Recruitment” by Goethel et al.
 - b. Review of draft amendment
- X. Tentative 2018 SSC Meeting Dates
- XI. Other Business—Adjourn

The meeting will be broadcast via webinar. You may register for the webinar by visiting www.gulfcouncil.org and clicking on the SSC meeting on the calendar. <https://attendee.gotowebinar.com/register/3383291116212545537>. The Agenda is subject to change, and the latest version along with other meeting materials will

be posted on www.gulfcouncil.org as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: May 9, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018-10180 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG239

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Whiting Advisory Panel and Plan Development Team to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Wednesday, May 30, 2018 at 10 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Holiday Inn, 31 Hampshire

Street, Mansfield, MA 02048; telephone: (508) 339-2200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The southern red hake stock was determined to be overfished and the Council has been given two years from last January to submit an action to address this issue. To begin this action, the Whiting Advisory Panel and the Plan Development Team (PDT) will meet jointly to discuss the potential range and types of rebuilding measures. The Whiting PDT will also identify tasks for the Annual Monitoring Report for Fishing Year 2017, a document to be presented at the September Council meeting. Advisors will provide insight about recent changes in the small-mesh multispecies fishery. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: May 9, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018-10179 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG239

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Whiting Advisory Panel and Plan Development Team to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Wednesday, May 30, 2018 at 10 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The southern red hake stock was determined to be overfished and the Council has been given two years from last January to submit an action to address this issue. To begin this action, the Whiting Advisory Panel and the Plan Development Team (PDT) will meet jointly to discuss the potential range and types of rebuilding measures. The Whiting PDT will also identify tasks for the Annual Monitoring Report for Fishing Year 2017, a document to be presented at the September Council meeting. Advisors will provide insight about recent changes in the small-mesh multispecies fishery. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action

under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: May 9, 2018.

Rey Israel Marquez,

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

[FR Doc. 2018-10195 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Approval for the Jobos Bay, Puerto Rico National Estuarine Research Reserve Management Plan Revision

AGENCY: Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: Under applicable Federal regulations, notice is hereby given that the Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce approves the revised Management Plan for Jobos Bay, Puerto Rico National Estuarine Research Reserve Management Plan. In accordance with applicable Federal regulations, the Jobos Bay Reserve revised its Management Plan, which will replace the plan previously approved in 2000.

The revised Management Plan outlines the administrative structure; the research/monitoring, stewardship, education, and training programs of the Reserve; and the plans for future land acquisition and facility development to support Reserve operations.

The Jobos Bay Reserve takes an integrated approach to management, linking research, education, coastal training, and stewardship functions.

The Reserve has outlined how it will manage administration and its core program providing detailed actions that will enable it to accomplish specific goals and objectives. Since the last management plan, the reserve has: Developed core programs; expanded monitoring programs within Jobos Bay and its watershed; expanded its dorm, and remodeled the historic train depot and visitor center; conducted training workshops; implemented K-12 education programs; and built new and innovative partnerships with local, Commonwealth, and U.S. organizations and universities.

On August 28, 2017, NOAA issued a notice of a thirty day public comment period for the Jobos Bay Reserve revised plan (82 FR 40752). Responses to the written and oral comments received, and an explanation of how comments were incorporated into the final revised plan, are available in Appendix 8 of the revised plan.

Since the last management plan was approved in 2000, the Jobos Bay Reserve has acquired an additional 8233.9 acres of upland forest, salt flats and offshore cays. While the intent to include these into the boundaries of the management plan is acknowledged in this revised management plan, the actual inclusion of the properties will not be accomplished with the approval of the revised plan. Rather, a formal boundary expansion will be pursued as a separate action after this plan has been approved. All of the proposed additions are owned by the Puerto Rico Department of Natural and Environmental Resources (DNER) and will be managed for long-term protection and conservation value. These parcels have high ecological value and will enhance the Reserve's ability to provide increased opportunities for research, education, and stewardship. The revised Management Plan will serve as the guiding document for the expanded 11,033.9 acre Jobos Bay Reserve. View the Jobos Bay, Puerto Rico Reserve Management Plan at <http://drna.pr.gov/jbnerr/pm-jbnerr/jobos-bay-national-estuarine-research-reserve-management-plan-2017-2022/>.

The impacts of the revised management plan have not changed and the initial Environmental Impact Statement (EIS) prepared at the time of designation is still valid. NOAA has made the determination that the revision of the management plan will not have a significant effect on the human environment and therefore qualifies for a categorical exclusion under NOAA Administrative Order 216-6. An environmental assessment will not be prepared.

FOR FURTHER INFORMATION CONTACT:

Nina Garfield at (240) 533-0817 or Kim Texiera at (301) 563-1172 of NOAA's National Ocean Service, Stewardship Division, Office for Coastal Management, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

Dated: May 7, 2018.

Keeling Kuipers,

Acting Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2018-10159 Filed 5-11-18; 8:45 am]

BILLING CODE 3510-08-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2018-0018]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, "Consumer Compliant Intake System Company Portal Boarding Form Information Collection System."

DATES: Written comments are encouraged and must be received on or before July 13, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- **Electronic:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** FederalRegisterComments@cfpb.gov. Include Docket No. CFPB-2018-0018 in the subject line of the message.
- **Mail:** Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street, NW, Washington, DC 20552.
- **Hand Delivery/Courier:** Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information

provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at www.regulations.gov. Requests for additional information should be directed to the Bureau of Consumer Financial Protection, (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435-9575, or email: CFPB_PRA@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov. Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Consumer Compliant Intake System Company Portal Boarding Form Information Collection System.

OMB Control Number: 3170-0054.

Type of Review: Revision of a currently approved collection.

Affected Public: Private sector.

Estimated Number of Respondents: 300.

Estimated Total Annual Burden Hours: 60.

Abstract: Section 1013(b)(3)(A) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, requires the Bureau of Consumer Financial Protection to “facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services.”¹ In furtherance of its statutory mandates related to consumer complaints, the Bureau utilizes a Consumer Complaint Intake System Company Portal Boarding Form (Boarding Form) to sign up companies for access to the secure, web-based Company Portal (Company Portal). The Company Portal allows companies to view and respond to complaints submitted to the Bureau, supports the efficient routing of consumer complaints to companies, and enables a timely and secure response by companies to the Bureau and consumers.²

¹ Codified at 12 U.S.C. 5493(b)(3)(A). *See also* Dodd-Frank Act, section 1034 (discussing responses to consumer complaints), codified at 12 U.S.C. 5534; section 1021(c)(2) (noting that one of the Bureau’s primary functions is “collecting, investigating, and responding to consumer complaints”), codified at 12 U.S.C. 5511(c)(2).

² In addition to the Boarding Form for companies, the Bureau utilizes separate OMB-approved forms to board government agencies and congressional offices onto their own distinct portals to access certain complaint information through OMB

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau’s estimate of the burden of the collection of information, including the validity of the methods and the assumptions 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 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. All comments will become a matter of public record.

Dated: May 8, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018-10221 Filed 5-11-18; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Policy, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Policy Board (DPB) will take place.

DATES: Thursday, May 24, 2018—Closed to the public from 8:00 a.m. to 5:15 p.m. Friday, May 25, 2018—Closed to the public from 8:00 a.m. to 12:00 p.m.

ADDRESSES: The closed meeting will be held at The Pentagon, 2000 Defense Pentagon, Washington, DC 20301-2000.

FOR FURTHER INFORMATION CONTACT: Marcus Bonds, (703) 571-0854 (Voice), 703-697-8606 (Facsimile), marcus.bonds.civ@mail.mil (Email). Mailing address is 2000 Defense Pentagon, Washington, DC 20301-2000.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the

Control No. 3170-0057 (Consumer Response Government and Congressional Boarding Forms; expires December 31, 2018).

Department of Defense (DoD) and the Designated Federal Officer, the Defense Policy Board was unable to provide public notification required by 41 CFR 102-3.150(a) concerning the meeting on May 24 and 25, 2018 of the Defense Policy Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (“the Sunshine Act”), and 41 CFR 102-3.140 and 102-3.150.

Purpose of the Meeting: To obtain, review and evaluate classified information related to the DPB’s mission to advise on: (a) Issues central to strategic DoD planning; (b) policy implications of U.S. force structure and force modernization and on DoD’s ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other research and analysis of topics raised by the Secretary of Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Policy.

Agenda: On May 24th and 25th, the DPB will have Top Secret (SCI) level discussions on national security issues regarding the Space and Ballistic Missile Defense Review. Topics and Speakers are (1) Space Intelligence Brief, Larry Gresham; (2) Warfighting 2025, Andrew Cox; (3) OSD Space Policy Perspectives, Honorable Kenneth Rapuano & Steven Kitay; (4) Warfighter Perspectives, General John W. Raymond; (5) Space Panel, General (Retired) Robert Kehler, Douglas Lovero and Marc Berkowitz; Balastic Missile Defense Review, Honorable John Rood.

Meeting Accessibility: Pursuant to the Sunshine Act, the FACA and the FACA Final Rule (41 CFR 101-6), the DoD has determined that this meeting shall be closed to the public. The Under Secretary of Defense (Policy), in consultation with the DoD FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of Section 552b(c)(1) of the Sunshine Act and are so inextricably intertwined with unclassified material that they cannot reasonably be segregated into separate discussions without disclosing secret or higher classified material.

Committee’s Designated Federal Officer or Point of Contact: Marcus Bonds, osd.pentagon.ousd-policy.mbx.defense-board@mail.mil.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140(c) and section 10(a)(3) of the FACA, the public or interested organizations may submit written statements to the membership of the DPB at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the DPB's Designated Federal Officer (DFO); the DFO's contact information is listed in this notice or it can be obtained from the GSA's FACA Database—<http://www.facadatabase.gov/>. Written statements that do not pertain to a scheduled meeting of the DPB may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all members.

Dated: May 9, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–10219 Filed 5–11–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0058]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Flexibility for Equitable Per-Pupil Funding

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 13, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2018–ICCD–0058. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by*

fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jessica McKinney, 202–401–1960.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Flexibility for Equitable Per-Pupil Funding.

OMB Control Number: 1810–0734.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 20.

Total Estimated Number of Annual Burden Hours: 1,120.

Abstract: This is a request to collect critical information for the Application for Flexibility for Equitable Per-pupil Funding, the instrument through which local educational agencies (LEAs) apply for flexibility to consolidate eligible

Federal funds and State and local education funding based on weighted per-pupil allocations for low-income and otherwise disadvantaged students. This program allows LEAs to consolidate funds under the following Federal education programs: Elementary and Secondary Education Act of 1965 (ESEA); Title I, Part A Improving Basic Programs Operated by Local Educational Agencies; Title I, Part C Education of Migratory Children; Title I, Part D, Subpart 2 Local Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk; Title II Preparing, Training, and Recruiting High-quality Teachers, Principals, or Other School Leaders; Title III Language Instruction for English Learners and Immigrant Students; Title IV, Part A Student Support and Academic Enrichment Grants; Title VI, Part B Rural Education Initiative.

Dated: May 8, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–10160 Filed 5–11–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers for International Business Education Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2018 for the Centers for International Business Education Program (CIBE), Catalog of Federal Domestic Assistance (CFDA) number 84.220A.

DATES:

Applications Available: May 14, 2018.
Deadline for Transmittal of Applications: June 13, 2018.

Deadline for Intergovernmental Review: August 13, 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:

Timothy Duvall, U.S. Department of Education, 400 Maryland Avenue SW,

Room 258–54, Washington, DC 20202–4260. Telephone: (202) 453–7521. Email: timothy.duvall@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 purpose of the CIBE Program is to provide funding to institutions of higher education or consortia of such institutions for curriculum development, research, and training on issues of importance to U.S. trade and competitiveness.

Priorities: This notice contains two competitive preference priorities and one invitational priority. The competitive preference priorities for fiscal year (FY) 2018 are from the notice of final priorities for this program published in the **Federal Register** on June 3, 2014 (79 FR 31870).

Competitive Preference Priorities: For FY 2018, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points depending on how well the application meets Competitive Preference Priority 1, and up to an additional five points depending on how well the application meets Competitive Preference Priority 2. An applicant may receive a total of up to 10 additional points under the competitive preference priorities.

These priorities are:

Competitive Preference Priority 1—*Collaboration with a Professional Association or Business* (up to 5 points).

Applications that propose to collaborate with one or more professional associations and/or businesses on activities designed to expand employment opportunities for international business students, such as internships and work-study opportunities.

Competitive Preference Priority 2—*Collaboration with Minority-Serving Institutions (MSIs) or Community Colleges* (up to 5 points).

Applications that propose significant and sustained collaborative activities with one or more Minority-Serving Institutions (MSIs) (as defined in this notice) and/or with one or more community colleges (as defined in this notice).

These activities must be designed to incorporate international, intercultural, or global dimensions into the business curriculum of the MSI(s) and/or community college(s). If an applicant

institution is an MSI (as defined in this notice), that institution may propose intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education as defined in section 101 of the HEA (20 U.S.C. 1001) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA. The institutions designated eligible under Title III and Title V may be viewed at the following link: www2.ed.gov/about/offices/list/ope/ides/eligibility.html.

Invitational Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose programs or activities focused on language instruction and/or performance testing and assessment to strengthen the preparation of international business professionals.

Program Authority: Title VI, part B, HEA (20 U.S.C. 1130–1).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 76, 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. (d) The notice of final priorities for this program published in the **Federal Register** on June 3, 2014 (79 FR 31870).

Area of National Need: In accordance with section 601(c) of the HEA (20 U.S.C. 1121(c)), the Secretary consulted with a wide range of Federal agencies and received recommendations regarding national need for expertise in foreign language and world regions. These agencies' recommendations may be viewed on this web page: www2.ed.gov/about/offices/list/ope/iegps/index.html.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$4,571,400.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2019 from the list of unfunded applications from this competition.

Estimated Range of Awards:

\$265,000–\$305,000 per year.

Estimated Average Size of Awards: \$285,000 per year.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period. We may use FY 2018 funds to support multiple 12-month budget periods for one or more grantees.

Project Period: Up to 48 months.

III. Eligibility Information

1. **Eligible Applicants:** IHEs or consortia of IHEs.

2. **Cost Sharing or Matching:** This program requires cost sharing or matching. The matching requirement is described in section 612(e) of the HEA (20 U.S.C. 1130–1(e)(2)(3)(4)). The HEA requires that the Federal share of the cost of planning, establishing, and operating centers under this program shall be—

a. Not more than 90 percent for the first year in which Federal funds are received;

b. Not more than 70 percent for the second year; and

c. Not more than 50 percent for the third year and for each year thereafter.

The non-Federal share of the cost of planning, establishing, and operating centers under this program may be provided either in cash or in-kind.

Waiver of non-Federal share: In the case of an IHE receiving a grant under the CIBE Program and conducting outreach or consortium activities with another IHE, in accordance with section 612(c)(2)(E) of the HEA, the Secretary may waive a portion of the requirements for the non-Federal share equal to the amount provided by the IHE receiving the grant to the other IHE for carrying out the outreach or consortium activities. Any such waiver is subject to

the terms and conditions the Secretary may deem necessary for carrying out the purposes of the program.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, non-profit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee.

4. *Other:* (a) *Reasonable and Necessary Costs:* Applicants must ensure that all costs included in the proposed budget are necessary and reasonable to meet the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

(b) *Audits:* (i) A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR part 200. (2 CFR 200.501(a))

(ii) A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to Other Audit Requirements), but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office. (2 CFR 200.501(d))

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. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

3. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the priorities, selection criteria,

and application requirements that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 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, *except* titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the recommended page limit.

- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, and graphs.

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental SF 424 form; Part II, Budget Information—Non-Construction Programs (ED 524); Part IV, the assurances, certifications, and the response to section 427 of the General Education Provisions Act; the table of contents; the one-page project abstract; the appendices; or the line item budget. However, the recommended page limit does apply to all of the application narrative section.

4. *Intergovernmental Review:* This program 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 program.

5. *Award Basis:* In determining whether to approve a grant award and the amount of such award, the Department will consider, among other things, the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.217(d)(3)(ii) and 75.233(b). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

6. *Funding Restrictions:* We specify unallowable costs in 34 CFR 660.40. We reference additional regulations

outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from section 612 of the HEA and 34 CFR 75.209 and 75.210. The maximum score for all of the selection criteria, taken together with the maximum number of points awarded to applicants that address the competitive preference priorities, is 110 points. The maximum score for each criterion is indicated in parentheses.

Note: In addressing the selection criteria printed below, refer to sections 611 and 612 of the HEA (20 U.S.C. 1130 and 1130–1).

(a) *Meeting the purpose of the authorizing statute.* (up to 20 points)

The Secretary reviews each application to determine how well the applicant describes how it will establish and operate Centers for International Business Education which—

(1) Will be national resources for the teaching of improved business techniques, strategies, and methodologies which emphasize the international context in which business is transacted;

(2) Will provide instruction in critical foreign languages and international fields needed to provide understanding of the cultures and customs of United States trading partners; and

(3) Will provide research and training in the international aspects of trade, commerce, and other fields of study.

(b) *Significance.* (up to 20 points)

In determining the significance of the proposed project, the Secretary considers—

(1) The national significance of the proposed project.

(2) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

Note: You may discuss the significance of regional and local activities to address selection criterion (b)(2).

(c) *Quality of the project design.* (up to 10 points)

In determining the quality of the design of the proposed project, the Secretary considers—

(1) The extent to which the proposed activities constitute a coherent, sustained program of research and development in the field, including, as appropriate, a substantial addition to an ongoing line of inquiry.

(d) *Quality of the management plan.* (up to 10 points)

In determining the quality of the management plan for the proposed project, the Secretary considers—

(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.

(e) *Quality of project personnel.* (up to 10 points)

In determining the quality of project personnel, the Secretary considers—

(1) 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.

(2) The qualifications, including relevant training and experience, of the project director or principal investigator.

(3) The qualifications, including relevant training and experience, of key project personnel.

Note: Briefly describe key staff and faculty in this section. Supplemental materials should include resumes for staff, business and other faculty, and some Advisory Board members, in alphabetical order, two resumes per page, single-spaced. Provide title including department, education, research and teaching experience, major publications, awards, etc. Suggested maximum length: 20 pages, 40 resumes.

(f) *Adequacy of resources.* (up to 10 points)

In determining the adequacy of resources for the proposed project, the Secretary considers—

(1) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(2) The adequacy of support, including facilities, equipment, supplies, and other resources from the applicant organization or the lead applicant organization.

(g) *Quality of the project evaluation.* (up to 20 points)

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation are appropriate to the context within which the project operates.

(iii) The extent to which the methods of evaluation will provide timely guidance for quality assurance.

(iv) The extent to which the methods of evaluation will provide performance feedback and permit periodic

assessment of progress toward achieving intended outcomes.

Note: Please carefully review the section on “Guidance on Developing an Evaluation Plan” in the application package for detailed instructions on how to address this criterion.

Note: Applicants should address these selection criteria only in the context of the program requirements in section 612 of the HEA, 20 U.S.C. 1130–1.

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 program 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.

Performance reports for the CIBE Program must be submitted electronically into the office of International and Foreign Language Education (IFLE) web-based reporting system, International Resource Information System (IRIS). For information about IRIS and to view the reporting instructions, 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. If a grantee is provided additional funding for this purpose, the Secretary establishes a data collection period.

5. *Performance Measures:* Under the Government Performance and Results Act of 1993, the following measures will be used by the Department to evaluate the success of the CIBE Program:

(a) Percentage of CIBE Program participants who advanced in their professional field two years after their participation.

(b) Percentage of CIBE projects that established or internationalized a concentration, degree, or professional program with a focus on or connection to international business over the course of the CIBE grant period (long-term measure).

(c) Percentage of CIBE projects for which there was an increase in the export business activities of the project's business industry participants.

The information provided by grantees in their performance reports submitted via the International Resource Information System (IRIS) will be the source of data for these measures. Reporting screens for institutions can be viewed at: <http://iris.ed.gov/iris/pdfs/CIBE.pdf>.

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, audiotope, 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.

Dated: May 9, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the Duties of the Assistant Secretary, Office of Planning, Evaluation, and Policy Development, Delegated the Duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018-10225 Filed 5-11-18; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18-796-000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate for ConEd Releases effective 5-4-18 to be effective 5/4/2018.

Filed Date: 5/4/18.

Accession Number: 20180504-5163.

Comments Due: 5 p.m. ET 5/16/18.

Docket Numbers: RP18-772-001.

Applicants: Eastern Shore Natural Gas Company.

Description: Tariff Amendment: Errata of Baseline Filing to be effective 5/1/2018.

Filed Date: 5/7/18.

Accession Number: 20180507-5168.

Comments Due: 5 p.m. ET 5/21/18.

Docket Numbers: RP17-598-002.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: Report Filing: Refund Report.

Filed Date: 5/8/18.

Accession Number: 20180508-5012.

Comments Due: 5 p.m. ET 5/21/18.

Docket Numbers: RP18-730-001.

Applicants: Greylock Pipeline, LLC.

Description: Tariff Amendment: Amendment to New filing 202 to be effective 5/1/2018.

Filed Date: 5/8/18.

Accession Number: 20180508-5000.

Comments Due: 5 p.m. ET 5/21/18.

Docket Numbers: RP18-805-000.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: Revenue Cap and Revenue Sharing Mechanism True-Up Report of Great Lakes Gas Transmission Limited Partnership.

Filed Date: 5/4/18.

Accession Number: 20180504-5249.

Comments Due: 5 p.m. ET 5/16/18.

Docket Numbers: RP18-806-000.

Applicants: ENGIE Gas & LNG LLC, Exelon Generation Company, LLC.

Description: Joint Petition of ENGIE Gas & LNG LLC and Exelon Generation Company, LLC for Waiver of Commission Capacity Release Regulations and Policies and Related Natural Gas Pipeline Tariff Provisions.

Filed Date: 5/7/18.

Accession Number: 20180507-5195.

Comments Due: 5 p.m. ET 5/21/18.

Docket Numbers: RP18–807–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Compliance filing Filing to Comply with Order in Docket No. CP18–107–000 (Remove SONAT) to be effective 6/8/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5007.

Comments Due: 5 p.m. ET 5/21/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 8, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10184 Filed 5–11–18; 8:45 am]

BILLING CODE 6717–01–P

intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 18, 2018.

Dated: May 8, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10185 Filed 5–11–18; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–123–000; QF87–481–002]

T.E.S. Filer City Station Limited Partnership; Notice of Supplemental Filing

Take notice that on May 7, 2018, T.E.S. Filer City Station Limited Partnership filed a Supplement to the March 5, 2018 filed Application for Commission Certification as a Qualifying Cogeneration Facility.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–91–000.

Applicants: NextEra Energy

Transmission Midatlantic, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of NextEra Energy Transmission Midatlantic, LLC.

Filed Date: 5/7/18.

Accession Number: 20180507–5194.

Comments Due: 5 p.m. ET 5/29/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–83–000.

Applicants: Heartland Divide Wind Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale

Generator Status of Heartland Divide Wind Project, LLC.

Filed Date: 5/8/18.

Accession Number: 20180508–5111.

Comments Due: 5 p.m. ET 5/29/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1416–000.

Applicants: CED Wistaria Solar, LLC.

Description: Supplement to April 23, 2018 CED Wistaria Solar, LLC tariff filing [Exhibit B].

Filed Date: 5/2/18.

Accession Number: 20180502–5188.

Comments Due: 5 p.m. ET 5/23/18.

Docket Numbers: ER18–1539–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Tooele Non-Conforming SGIA to be effective 4/16/2018.

Filed Date: 5/7/18.

Accession Number: 20180507–5172.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1540–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 305 11th Rev—NITSA with Stillwater Mining Company to be effective 7/1/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5001.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1541–000.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: AEP Transcos Formula Rate Compliance Filing Pursuant to Order in EL18–63 to be effective 1/1/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5028.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1542–000.

Applicants: American Electric Power Service Corporation, Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: AEP Formula Rate Revisions to be effective 1/1/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5049.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1543–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Avangrid Const Agmt for Klamath Metering to be effective 7/9/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5063.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1544–000.

Applicants: Transource West Virginia, LLC, PJM Interconnection, L.L.C.

Description: eTariff filing per 1450: Transource WV submits revisions to

OATT, Att H–26 re: 3/15/2018 Order in EL18–70 to be effective 1/1/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5067.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1545–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Notice of Cancellation LA Gabriel Solar 1 & 2 Projects SA Nos. 966–967 to be effective 4/25/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5083.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1546–000.

Applicants: AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc., PJM Interconnection, L.L.C.

Description: eTariff filing per 1450: AEP submits revisions to OATT, Att H–20B Part I re: Tax Reform EL18–62 to be effective 1/1/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5118.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1547–000.

Applicants: The Dayton Power and Light Company, PJM Interconnection, L.L.C.

Description: eTariff filing per 1450: Dayton submits revisions to OATT Att. H–15 re: Order to Show Cause EL18–117 to be effective 3/21/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5148.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: ER18–1548–000.

Applicants: Seguro Energy Partners, LLC.

Description: Baseline eTariff Filing: Application For Market Based Rate to be effective 7/9/2018.

Filed Date: 5/8/18.

Accession Number: 20180508–5152.

Comments Due: 5 p.m. ET 5/29/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 8, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10183 Filed 5–11–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10102–010]

Franklin Springer, Watershed Ranch LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On February 20, 2018 and supplemented on April 16, 2018, Franklin Springer (transferor) and Watershed Ranch LLC (transferee) filed an application for the transfer of license of the Springer Hydro No. 1 Project No. 10102. The project is located on the McFadden and Morrison Creeks in Chaffee County, Colorado. The project does not occupy Federal lands.

The applicants seek Commission approval to transfer the license for the Springer Hydro No. 1 Project from the transferor to the transferee.

Applicants Contact: For transferor: Mr. Franklin Springer, 18840 Mountain View Drive, Buena Vista, CO 81211, Phone 719–395–2364.

For transferee: Ms. Kathryn L. Welter, Watershed Ranch LLC, 18840 Mountain View Drive, Buena Vista, CO 81211, Phone 719–395–9244, Email: welterkaty@gmail.com.

FERC Contact: Patricia W. Gillis, (202) 502–8735, patricia.gillis@ferc.gov.

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please

send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–10102–010.

Dated: May 8, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10197 Filed 5–11–18; 8:45 am]

BILLING CODE 6717–01–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 June 8, 2018.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to Comments.applications@stls.frb.org.

1. *First National Bancorp, Inc., Green Forest, Arkansas*; through its affiliate, Legacy BancShares, Inc., Springdale, Arkansas, to indirectly acquire 8.10 percent of the voting shares of Gravett Bancshares, Inc., Gravette, Arkansas, and thereby indirectly acquire Bank of Gravett, Gravette, Arkansas.

2. *Legacy BancShares, Inc.*, Springdale, Arkansas; to merge with Gravett Bancshares, Inc., Gravette, Arkansas, and thereby indirectly acquire Bank of Gravett, Gravette, Arkansas.

Board of Governors of the Federal Reserve System, May 9, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–10198 Filed 5–11–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR–2018–0004]

Availability of Draft Interaction Profile for Mixtures of Insecticides: Pyrethroids, Organophosphorus Compounds, and Carbamates

AGENCY: Agency for Toxic substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability; request for comments.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS) announces the availability of the Draft Interaction Profile for Mixtures of Insecticides: Pyrethroids, Organophosphorus Compounds, and Carbamates for review and comment. This interaction profile evaluates a mixture of chemicals often found in human blood, adipose tissue, and breast milk. The purpose of this interaction profile is to investigate the possible joint actions of these chemicals on endocrine, developmental, and neurobehavioral endpoints in humans. This interaction profile has undergone external peer-review and review by ATSDR's Interagency Workgroup on Mixtures.

ATSDR remains committed to providing a public comment period for these documents as a means to best serve public health and the public.

DATES: Comments must be submitted by August 13, 2018.

ADDRESSES: You may submit comments, identified by docket number ATSDR–2018–0004, by any of the following methods:

- *Internet:* Access the Federal eRulemaking Portal at www.regulations.gov. Follow the instructions for submitting comments.
- *Mail:* Division of Toxicology and Human Health Sciences, Agency for

Toxic Substances and Disease Registry, 1600 Clifton Rd. NE, MS F–57, Atlanta, GA 30329, Attn: Docket ATSDR–2018–0004.

Instructions: All submissions must include the agency name and docket number for this notice. All relevant comments will be posted without change. This means that no confidential business information or other confidential information should be submitted in response to this notice.

FOR FURTHER INFORMATION CONTACT: Dr. Hana Pohl, Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd. NE, MS F–57, Atlanta, GA 30329. Telephone: 770.488.3355. Email: hrp1@cdc.gov.

SUPPLEMENTARY INFORMATION: ATSDR develops interaction profiles for hazardous substances found at the National Priorities List (NPL) sites under Sections 104(i)(3) and (5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). This law requires that ATSDR assess whether or not adequate information on health effects is available for priority hazardous substances. Where such information is not available or under development, ATSDR shall, in cooperation with the National Toxicology Program, initiate a research program to determine these health effects. The Act further directs that, where feasible, ATSDR shall develop methods to determine the health effects of these priority hazardous substances in combination with other substances commonly found with them.

To carry out these legislative mandates, ATSDR has created a chemical mixtures program and developed a document, “Framework for Assessing Health Impacts of Multiple Chemicals and Other Stressors,” that outlines the latest methods for mixtures health assessment. The Framework document is available online at <https://www.atsdr.cdc.gov/interactionprofiles/ipga.html>. In addition, a series of documents, called “interaction profiles,” is developed for certain priority mixtures that are of special concern to ATSDR. To recommend approaches for the exposure-based assessment of the potential hazard to public health, an interaction profile evaluates data on the toxicology of the whole priority mixture, if available, and on the joint toxic action of the chemicals in the mixture.

Availability

The Draft Interaction Profile for Mixtures of Insecticides: Pyrethroids, Organophosphorus Compounds, and Carbamates is available online at <https://www.atsdr.cdc.gov/interactionprofiles/index.asp> and at www.regulations.gov, Docket No. ATSDR–2018–0004.

Pamela I. Protzel Berman,

Director, Office of Policy, Planning and Partnerships, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2018–10204 Filed 5–11–18; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

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 CDC announces the following meeting for the Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC). This meeting is open to the public limited only by the space and ports available. The meeting room accommodates 70 participants and there will be 125 ports available. Due to the limited accommodations by phone ports and room size, we are encouraging the public to please register using the link provided: Register Here. There will be public comment periods from 11:10 a.m.–11:40 a.m., on June 19, 2018, and from 11:30 a.m.–11:45 a.m., on June 20, 2018. All public comments will be limited to two-minutes per speaker.

DATES: The meeting will be held on June 19, 2018, 8:30 a.m.–5:15 p.m., EDT and June 20, 2018, 8:30 a.m.–12:15 p.m., EDT.

ADDRESSES: Center for Disease Control and Prevention, Chamblee Campus, 4770 Buford Highway, Building 107, Conference Room 1–A/B, Atlanta, Georgia 30341 and via Teleconference: Dial-In Number: 1–888–769–9404, Participant Code: 5536840. (U.S. & Canada Participants) 1–210–234–0065, Participant Code: 5536840 (International Participants).

FOR FURTHER INFORMATION CONTACT: Gwendolyn H. Cattledge, Ph.D.,

M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F-63, Atlanta, GA 30341, Telephone (770) 488-1430, Email address: NCIPCBSC@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The Board will: (1) Conduct, encourage, cooperate with, and assist other appropriate public health authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in preventing and suppressing communicable and non-communicable diseases and other preventable conditions and in promoting health and well-being; and (3) conduct and assist in research and control activities related to injury. The Board of Scientific Counselors makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury prevention goals and provides evidence in injury prevention-related research and programs. The Board also provides advice on the appropriate balance of intramural and extramural research, the structure, progress and performance of intramural programs. The Board is designed to provide guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of Secondary Peer Review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as it relates to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director of applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals.

Matters To Be Considered: Day One: The agenda will include discussions on Methodologies for Estimating Rates of Opioid Prescribing; a request and BSC vote to establish a workgroup to estimate, or provide reference points for, opioid prescribing for acute and chronic pain; the Center's focus on science matters to include research strategies needed to guide the Center's focus on reducing opioid overdose; and CDC and NIH research to reduce opioid overdose. Public comments on the formation of the Opioid Prescribing Estimates workgroup must be made during the comment period on June 19, 2018, 11:10

a.m.–11:40 a.m. to be considered before the BSC vote. Day Two: The agenda will include discussions on reducing youth violence through CDC's National Centers of Excellence in Youth Violence Prevention, and discuss improvements to Web-based Injury Statistics Query and Reporting System (WISQARS) data visualization. Agenda items are subject to change as priorities dictate.

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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018-10224 Filed 5-11-18; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC-2018-0046, NIOSH-313]

Occupational Robotics Research Prioritization

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information and comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention has recently established the Center for Occupational Robotics Research. NIOSH is requesting information to guide the prioritization of research to be undertaken by the Center. NIOSH is seeking input on priority gaps in knowledge on the safety and health of humans working with robotics technology, with an emphasis on worker safety and health research which is unlikely to be completed by other federal agencies, academia, and the private sector.

Table of Contents

- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:

- SUPPLEMENTARY INFORMATION:
- BACKGROUND:
- INFORMATION NEEDS:
- REFERENCES:

DATES: Electronic or written comments must be received by July 13, 2018.

ADDRESSES: You may submit comments, identified by CDC-2018-0046 and docket number NIOSH-313, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226-1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC-2018-0046; NIOSH-313]. All relevant comments received will be posted without change to www.regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to www.regulations.gov. All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226-1998.

FOR FURTHER INFORMATION CONTACT: Hongwei Hsiao, Ph.D., NIOSH Division of Safety Research, 1095 Willowdale Road, Morgantown, WV 26505, 304-285-5910 (not a toll-free number), hhsiao@cdc.gov.

SUPPLEMENTARY INFORMATION: Industrial robots have been a significant part of the workplace for decades. Within the last decade, there have been dramatic advances in robotics technology which have changed the types of work performed by robots and how robots interact with human workers. Whereas traditional industrial robots operate in cages or cells that are off-limits to human workers, newer types of robots are designed to work in collaboration with and in shared spaces with human workers. In collaborative operation, robots work in close proximity to humans and can potentially come into contact depending on the collaborative functionality implemented into the robot system. The use of robots has been rapidly increasing in many industrial sectors, including the manufacturing, healthcare, mining, and construction sectors. The International Federation of Robotics reported that the worldwide growth of industrial robots will be at least 15% annually from 2018 to 2020, and the stock of operational industrial robots will exceed 3 million units by the end of 2020 [IFR 2017]. Within the

United States, sales of robots for industrial applications were at an all-time high in 2016, and have continued to increase since 2010 [IFR 2017].

The IFR also reports that robots equipped with collaborative functionality and utilizing machine learning and artificial intelligence will lead the robotics field in the coming years, and that robots will be increasingly used by small and medium sized businesses.

Robots are changing the industrial landscape which will have significant implications for worker safety and health. Worker safety and health may be improved through increased use of robots for work that can be dangerous to humans, including repetitive tasks which are hazardous for musculoskeletal health, and work performed in hazardous environments, such as confined spaces and work at heights. However, there also are concerns for human worker safety and health arising from the rapid advances of robotics technologies, lack of experience working closely with new and emerging types of robots in varied work settings, and the potential for unforeseen hazards and unanticipated consequences [Murashov et al. 2016]. Predicted rapid growth in availability and sales of robots designed to work in close cooperation with human workers, and continued expansion into broader industry sectors and small and medium sized businesses, may present new risks or exacerbate existing risks for many workplaces.

While the volume of robotics research being conducted by the private sector, academia, and other federal agencies is large [Robotics Virtual Organization 2016], research focusing on the implications for worker safety and health has been limited, but critical. Whereas other federal agencies and academic programs strongly support technological advances in robotics and promote use in certain industries, NIOSH aims to focus on worker safety and well-being with its vast experience in studying worker safety in the lab and in the field. Additionally, NIOSH has knowledge and expertise on diverse characteristics of worker populations, occupations and tasks, industries, and workplace environments.

In September 2017, NIOSH established the Center for Occupational Robotics Research (CORR), <https://www.cdc.gov/niosh/topics/robotics/default.html>. The Center's mission is to provide scientific leadership to guide the development and use of robots in the workplace that enhance worker safety, health, and well-being. The Center covers traditional fixed and

caged robots, current and emerging robot systems (e.g., robots equipped with collaborative functionality, co-existing and mobile robots, powered exoskeletons/exosuits, drones, and off-road autonomous vehicles), and future robots utilizing artificial intelligence. The Center will conduct and encourage research on robotics as engineering controls to improve workplace safety, as well as robots as potential hazards to worker safety and well-being, including psychosocial impacts from humans working closely with robots. The Center will not address non-powered exoskeletons, algorithms that do not involve machine movement (e.g., software bots that write news stories), and robot functions and efficiency. The Center will work in partnership with academic researchers, trade associations, robot manufacturers and integrators, employers using robotics technology, labor organizations, and other federal agencies. The Center aims to fill gaps in worker safety and health knowledge that are unlikely to be addressed independently by other federal agencies, academia, and the private sector.

The Center for Occupational Robotics Research has nominally identified research needs to be addressed by the Center. These research needs are consistent with robot-related research goals included in the recently finalized NIOSH Strategic Plan: FYs 2019–2023, but are more detailed. The research needs are organized by the four research types conducted by NIOSH: Basic/etiological, intervention, translation, and surveillance. NIOSH is seeking feedback on potential refinements to these research needs that address important worker safety and health knowledge gaps that have not been addressed, and how the identified research should be prioritized. The identified research needs follow.

Basic/etiological: This type of research builds a foundation of scientific knowledge to base future interventions. Most laboratory research falls into this category, as well as exposure assessment. Robot-related injuries occur as a result of complex interactions of multiple risk factors which can be characterized as: Human-related, robot-related, and task-related and environmental. Research needs in this area include:

- Identification of human worker risk factors and refinement and development of science-based requirements and pain and injury thresholds for human worker contact with robots in the workplace. The factors include workers' cognitive capability, physiological characteristics, biometrics, and anthropometry, and

may have different implications associated with different types and characteristics of robotics technologies. This line of research also includes friction and shear injury thresholds from exoskeleton contact with body regions and joint hyperextension risks associated with wearable robots.

- Study of human workers' acceptance to working with and alongside robots and its impacts on human-robot interaction and worker safety and well-being. This includes workers' attitudes, trust, and perceived safety.

- Measurement of worker's situational awareness, which refers to an ability to identify, process, and comprehend environmental information, and its impacts on human-robot interactions under normal and abnormal operating conditions. This research includes evaluation of existing situational awareness research methods and tools for application to varied robotics technologies and work environments.

- Study of safe, intuitive, and useful robot technologies and engineering features of collaborative and co-existing robot systems (e.g., enhanced robot sensors, mobility and navigation systems, adaptation and self-learning systems, design and programming of autonomous robots, automation operation assistance systems, and cyber-social-physical security) for hazard exposure assessments, field inspections, and incident investigations.

- Study of interface and safety communication features of robots with collaborative functions, powered exoskeletons (i.e. wearable robots), service robots, and other interactive robots that may cause human injuries from sources such as unintended contact, collision, vibration, and overexertion.

- Identification of task-related and environmental risk factors that are specific to certain industrial sectors that have a high prevalence of robots (e.g., manufacturing), or in which robotics technology is beginning to be introduced (e.g., mining, healthcare, services, construction, agriculture, public safety, and wholesale sectors).

- Study of hazardous situations outside normal operating conditions, such as robot breakdowns and malfunctions and unexpected changes in the environment.

Intervention: This type of research engages in the development and evaluation of a solution to an occupational safety and health problem or the improvement of an existing intervention. Intervention is a broad term that includes engineering controls,

personal protective equipment, training, and fact sheets and other written materials intended to inform and change worker behavior. There are two primary thrusts to this area of occupational robotics research: (1) Evaluation of robotics technologies as preventive measures for existing workplace hazards and (2) development and evaluation of interventions to reduce robot-related injury incidents and improve the safety and well-being of human workers working with robotics technologies. Specific research needs in this area include:

- Collection and analysis of differences in fatalities, injuries, and near-miss incidences between workplaces using robotics technologies and similar workplaces without robotics technology.

- Evaluation of robotics technologies as interventions for preventing existing hazards and resulting injuries in the workplace such as musculoskeletal disorders.

- Evaluation of training that helps workers acquire skills, knowledge, and abilities needed to work with robots in complex and dynamic industrial environments.

- Study of the effectiveness of existing safety standards, certifications, and regulations for industrial robot safety (e.g., ISO/TS 15066, ANSI/RIA R15.06, ISO 10218.01, ISO 10218.02, UL1740) in ensuring the safety and well-being of human workers.

- Research on new workplace interventions to improve the safety and well-being of human workers working with robotics technologies, including engineering controls and administrative controls. Research may address costs and benefits, such as an assessment of the costs of the intervention and impacts on productivity.

Translation: This type of research discovers strategies to translate research findings and theoretical knowledge to practices or technologies in the workplace. This type of research seeks to understand why available, effective, evidence-based interventions are not being adopted, and to facilitate the use of existing or newly developed interventions. Occupational robotics research needs in this area include:

- Research on aids and barriers to employers using long established safety procedures for protecting workers from traditional industrial robots.

- Development and evaluation of plain-language guidance on preventing robot-related injuries to workers.

- Development and evaluation of dissemination strategies to facilitate the use by employers and other

stakeholders of existing and new guidance.

- Study of awareness and acceptance of organizations to using evidence-based resources to implement robot safety management programs.

Surveillance: Surveillance is a public health term for the ongoing and systematic collection, analysis, and interpretation of data on health outcomes (e.g., injuries and illnesses) and contributors (e.g., behaviors or actions), and the dissemination of these data to those in position to take action. Surveillance research includes development of new methods, tools, and analytic techniques. Current worker injury data systems do not include detailed information on how a robot-related fatality or injury incident occurred. There is case-based information from investigations of worker injury deaths conducted by NIOSH and the Occupational Safety and Health Administration (OSHA). However, these investigation findings are limited to the traditional industrial robots, and do not address emerging robotics technologies. Additionally, case-based information may not be representative of all robot-related fatalities. Occupational robotics surveillance research needs include:

- Development of surveillance methods and/or analytic techniques to identify and monitor robot-related injury incidents and risk factors, and quantify the burden of occupational injuries using existing data systems.

- Case-based investigations of fatalities, injuries and near-miss incidents involving new robotics technologies to understand multifaceted contributors to the incident.

Background: The purpose of the Request for Information is to seek input on priority research areas that NIOSH will address through the Center for Occupational Robotics Research.

Information Needs: NIOSH is seeking feedback on potential refinements to the four broad research areas identified above, any additional knowledge gaps not addressed by these research areas, and how the research areas should be prioritized. Commenters are asked to focus on research areas that NIOSH has comparative advantage in, compared to other federal agencies, academia, and the private sector (i.e., worker safety and well-being as opposed to robot technologies and production). When possible, NIOSH asks that commenters provide data and citations of relevant research to justify their comments. NIOSH is also seeking recommendations for key scientific articles addressing worker safety and health and robotics

that should guide our research activities.

References:

- Endsley M. and Jones D. [2013]. Designing situational awareness: an approach to user-centered design. Boca Raton, FL, CRC Press.
- International Federation of Robotics (IFR) [2017]. Executive summary world robotics 2017 industrial robots. [https://ifr.org/downloads/press/Executive_Summary_WR_2017_Industrial_Robots.pdf].
- Murashov V., Hearl F., Howard J. [2016]. Working safely with robot worker: recommendations for the new workplace. J Occup Environ Hyg 13(3):D61–71.
- Robotics Virtual Organization [2016]. A roadmap for U.S. Robotics: from internet to robotics (2016 Edition). [<https://robotics-vo.us/node/562>].

Dated: May 8, 2018.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–10165 Filed 5–11–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–1557]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the

information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by June 13, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs; Attention: CMS Desk Officer; Fax Number: (202) 395-5806 OR Email: OIRA_submission@omb.eop.gov.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

1. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

2. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786-1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently

approved collection; *Title of Information Collection:* Survey Report Form for Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations; *Use:* The form is used to report surveyor findings during a CLIA survey. For each type of survey conducted (*i.e.*, initial certification, recertification, validation, complaint, addition/deletion of specialty/subspecialty, transfusion fatality investigation, or revisit inspections) the Survey Report Form incorporates the requirements specified in the CLIA regulations. *Form Number:* CMS-1557 (OMB control number: 0938-0544); *Frequency:* Biennially; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions, State, Local or Tribal Governments and Federal Government); *Number of Respondents:* 19,183; *Total Annual Responses:* 9,592; *Total Annual Hours:* 4,796. (For policy questions regarding this collection contact Kathleen Todd at 410-786-3385).

Dated: May 8, 2018.

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018-10135 Filed 5-11-18; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10307]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information

collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by June 22, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395-5806 OR Email: OIRA_submission@omb.eop.gov.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786-1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request*: Revision of a currently approved collection; *Title of Information Collection*: Medical Necessity and Claims Denial Disclosures under MHPAEA; *Use*: The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. 110–343) generally requires that group health plans and group health insurance issuers offering mental health or substance use disorder (MH/SUD) benefits in addition to medical and surgical (med/surg) benefits ensure that they do not apply any more restrictive financial requirements (e.g., co-pays, deductibles) and/or treatment limitations (e.g., visit limits) to MH/SUD benefits than those requirements and/or limitations applied to substantially all med/surg benefits.

The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, was enacted on March 30, 2010. These statutes are collectively known as the “Affordable Care Act.” The Affordable Care Act extended MHPAEA to apply to the individual health insurance market. Additionally, the Department of Health and Human Services (HHS) final regulation regarding essential health benefits (EHB) requires health insurance issuers offering non-grandfathered health insurance coverage in the individual and small group markets, through an Exchange or outside of an Exchange, to comply with the requirements of the MHPAEA regulations in order to satisfy the requirement to cover EHB (45 CFR 147.150 and 156.115).

Medical Necessity Disclosure Under MHPAEA

MHPAEA section 512(b) specifically amends the Public Health Service (PHS) Act to require plan administrators or health insurance issuers to provide, upon request, the criteria for medical necessity determinations made with respect to MH/SUD benefits to current or potential participants, beneficiaries, or contracting providers. The Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) and the Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 set forth rules for providing criteria for medical necessity determinations. CMS administers MHPAEA with respect to non-Federal governmental plans and health insurance issuers.

Claims Denial Disclosure Under MHPAEA

MHPAEA section 512(b) specifically amends the PHS Act to require plan administrators or health insurance issuers to provide, upon request, the reason for any denial or reimbursement of payment for MH/SUD services to the participant or beneficiary involved in the case. The Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) and the Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 implement 45 CFR 146.136(d)(2), which sets forth rules for providing reasons for claims denial. CMS administers MHPAEA with respect to non-Federal governmental plans and health insurance issuers, and the regulation provides a safe harbor such that non-Federal governmental plans (and issuers offering coverage in connection with such plans) are deemed to comply with requirements of paragraph (d)(2) of 45 CFR 146.136 if they provide the reason for claims denial in a form and manner consistent with ERISA requirements found in 29 CFR 2560.503–1. Section 146.136(d)(3) of the final rule clarifies that PHS Act section 2719 governing internal claims and appeals and external review as implemented by 45 CFR 147.136, covers MHPAEA claims denials and requires that, when a non-quantitative treatment limitation (NQTL) is the basis for a claims denial, that a non-grandfathered plan or issuer must provide the processes, strategies, evidentiary standard, and other factors used in developing and applying the NQTL with respect to med/surg benefits and MH/SUD benefits.

Disclosure Request Form

Group health plan participants, beneficiaries, covered individuals in the individual market, or persons acting on their behalf, may use this optional model form to request information from plans regarding NQTLs that may affect patients’ MH/SUD benefits or that may have resulted in their coverage being denied. *Form Number*: CMS–10307 (OMB control number: 0938–1080); *Frequency*: On Occasion; *Affected Public*: State, Local, or Tribal Governments, Private Sector, Individuals; *Number of Respondents*: 267,538; *Total Annual Responses*: 1,081,929; *Total Annual Hours*: 43,327. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650.)

Dated: May 8, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–10130 Filed 5–11–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Implementation Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at Risk of Homelessness: Phase II—Extension.

OMB NO.: 0970–0445.

Description: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) intends to collect data for an evaluation of the initiative, Implementation Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at Risk of Homelessness: Phase II. This builds on the previously approved “Planning Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at Risk of Homelessness” (Phase I). The Phase II data collection described in this Notice was approved by the Office of Management and Budget in July 2017. This request is for a time extension for data collection under OMB# 0970–0445. There are no changes to the previously approved information collection. Due to delays, data collection has not begun and will need to extend beyond the current expiration date of July 2018. Grantees are receiving an additional year to conduct their work. To capture data at a similar point in the development of their efforts, data collection will be delayed.

Phase II is an initiative, funded by the Children’s Bureau (CB) within ACF, that will support implementation grants for interventions designed to intervene with youth who have experienced time in foster care and are most likely to have a challenging transition into adulthood, including homelessness and unstable housing experiences. CB awarded six implementation grants (Phase II) in September 2015. During the implementation phase, organizations will conduct a range of activities to fine-tune their comprehensive service model, determine whether their model is being implemented as intended, and develop plans to evaluate the model.

under a potential future funding opportunity (Phase III). During Phase II, ACF will engage a contractor to: Conduct a cross-site process evaluation. Data collected for the process evaluation will be used to assess grantees' organizational capacity to implement

and evaluate the model interventions and to monitor each grantee's progress toward achieving the goals of the implementation period.

Data for the process evaluation will be collected through: Interviews during site visits.

Respondents: Grantee agency directors and staff; partner agency directors and staff. Partner agencies may vary by site, but are expected to include child welfare, mental health, and youth housing/homelessness agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Total/annual burden hours
Grantee Site Visit-Semi-Structured Interview Topic Guide	60	1	1.5	90
Estimated Total Annual Burden Hours .....	.....	.....	.....	90

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street, SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: OPREinfocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA_SUBMISSION@OMB.EOP.GOV, Attn: Desk Officer for the Administration, for Children and Families.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2018-10178 Filed 5-11-18; 8:45 am]

BILLING CODE 4184-29-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB NO.: 0970-0402]

Submission for OMB Review; Comment Request

Title: Mother and Infant Home Visiting Program Evaluation (MIHOPE): Long-Term Follow-Up.

Description: The Administration for Children and Families (ACF), in partnership with the Health Resources and Services Administration (HRSA), both of the U.S. Department of Health and Human Services (HHS), is proposing a data collection activity as part of the Mother and Infant Home Visiting Program Evaluation Long-Term Follow-Up project (MIHOPE-LT). The purpose of MIHOPE-LT is to conduct follow-up studies that assess the long-term impact of the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program. The design of MIHOPE-LT calls for multiple follow-up points including when the participating children are in kindergarten, 3rd grade, early adolescence, and late adolescence. This **Federal Register** Notice is specific to the first follow-up study. Data collected

during the first follow-up study (when the children from the MIHOPE sample are of kindergarten age) will include the following: (1) A one-hour survey with the child's primary caregiver (who will be the mother if she is available), (2) direct assessments of child development, (3) a semi-structured interview with the caregiver, (4) surveys with the child's teacher, (5) a direct assessment of the caregiver, and (6) 15 minutes of videotaped interactions between the caregiver and child. In addition to collecting these data, the MIHOPE-LT project will also maintain up-to-date consent forms for the collection of administrative data. Future information collection requests and related **Federal Register** Notices will describe future data collection efforts for this project.

Data collected during the kindergarten follow-up study will be used to estimate the effects of MIECHV-funded programs on seven domains: (1) Maternal health; (2) child health; (3) child development and school performance; (4) child maltreatment; (5) parenting; (6) crime or domestic violence; and (7) family economic self-sufficiency.

Respondents: The respondents in this follow-up study will include 4,115 families who participated in MIHOPE and 4,115 teachers of the focal children from those families.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Survey of caregivers	4115	1372	1	1	1372
Direct assessments of children	4115	1372	1	1.5	2058
Semi-structured interview with caregivers	100	33	1	2	66
Survey of the focal children's teachers	4115	1372	1	0.5	686
Direct assessments of caregivers	4115	1372	1	0.25	343
Videotaped caregiver-child interactions	8230	2743	1	0.25	686

Estimated Total Annual Burden Hours: 5,211.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: OPREinfocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA_SUBMISSION@OMB.EOP.GOV, Attn: Desk Officer for the Administration for Children and Families.

Mary B. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2018-10169 Filed 5-11-18; 8:45 am]

BILLING CODE 4184-77-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-D-1638]

Pediatric HIV Infection: Drug Development for Treatment; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled “Pediatric HIV Infection: Drug Development for Treatment.” This guidance provides general recommendations on the development of drug products for the treatment of human immunodeficiency virus (HIV) infection in pediatric patients (birth to younger than 17 years of age).

DATES: Submit either electronic or written comments on the draft guidance by July 13, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2018-D-1638 for “Pediatric HIV Infection: Drug Development for Treatment; Draft Guidance for Industry; Availability.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two

copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Building 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Yodit Belew, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6322, Silver Spring,

MD 20993-0002, 301-796-1500; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Pediatric HIV Infection: Drug Development for Treatment." This draft guidance provides general recommendations on the development of products for the treatment of human immunodeficiency virus (HIV) infection in pediatric patients (birth to younger than 17 years of age), including recommendations on when sponsors should initiate pediatric formulation development and begin pediatric studies to evaluate antiretroviral drug products for the treatment of HIV infection.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on drug development for treatment of pediatric HIV infection. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>, <https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>, or <https://www.regulations.gov>.

Dated: May 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-10187 Filed 5-11-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Membership To Serve on the Council on Graduate Medical Education

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Request for nominations.

SUMMARY: HRSA is seeking nominations of qualified candidates for consideration for appointment as members of the Council on Graduate Medical Education (COGME). COGME provides advice and recommendations to the Secretary of HHS; the Senate Committee on Health, Education, Labor and Pensions; and the U.S. House of Representatives Committee on Energy and Commerce on matters concerning the supply and distribution of physicians in the United States, physician workforce trends, training issues, financing policies, and other matters of significance related to physician workforce and graduate medical education.

DATES: The agency will accept nominations on a continuous basis.

ADDRESSES: Nomination packages may be mailed to Advisory Council Operations, Bureau of Health Workforce, HRSA, Room 11W45C, 5600 Fishers Lane, Rockville, Maryland 20857 or submitted electronically by email to: BHWAdvisoryCouncilFRN@hrsa.gov.

FOR FURTHER INFORMATION CONTACT: Kennita R. Carter, MD, Designated Federal Official, COGME at 301-945-3505 or email at kcarter@hrsa.gov. A copy of the current COGME charter, membership, and reports can be obtained by accessing the COGME website <https://www.hrsa.gov/advisorycommittees/bhpradvisory/cogme/>.

SUPPLEMENTARY INFORMATION: COGME encourages entities providing graduate medical education to conduct activities to voluntarily achieve the recommendations of COGME; develops, publishes, and implements performance measures and longitudinal evaluations; and recommends appropriation levels for certain Public Health Service Act (PHSA) Title VII programs. Meetings take place twice a year.

Nominations: HRSA is requesting nominations for voting members of COGME to include representatives of practicing primary care physicians, national and specialty physician organizations, foreign medical graduates, medical student and house staff associations, schools of allopathic and osteopathic medicine, public and private teaching hospitals, and representatives of health insurers, business, and labor. Additionally, HRSA encourages nominations of medical students, residents, and/or fellows. Members receive appointments based on their competence, interest, and knowledge of the mission of the profession involved.

The Secretary of HHS will consider nominations of all qualified individuals within the areas of subject matter expertise noted above. In making such appointments, the Secretary shall ensure a broad geographic representation of members and a balance between urban and rural educational settings.

Professional organizations, employers, or colleagues may nominate one or more qualified persons for membership. Individuals selected for appointment to COGME will be invited to serve for 4 years. COGME members are appointed as special government employees and receive a stipend and reimbursement for per diem and travel expenses incurred for attending meetings and/or conducting other business on behalf of COGME, as authorized by section 5 U.S.C. 5703 for persons employed intermittently in government service.

To evaluate possible conflicts of interest, individuals selected for consideration for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. The selected candidates must fill out the U.S. Office of Government Ethics (OGE) Confidential Financial Disclosure Report, OGE Form 450. Disclosure of this information is necessary to determine if the selected candidate is involved in any activity that may pose a potential conflict with their official duties as a member of the Committee.

A nomination package should include the following information for each nominee: (1) A letter of nomination from an employer, a colleague, or a professional organization stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.*, what specific attributes, perspectives, and/or skills does the individual possess that would benefit the workings of COGME), and the nominee's field(s) of expertise; (2) a letter of interest from the nominee stating the reasons they would like to serve on COGME; (3) a biographical sketch of the nominee, including a copy of his/her curriculum vitae and his/her contact information (address, daytime telephone number, and email address); and (4) the name, address, daytime telephone number, and email address where the person nominating the individual can be contacted.

HRSA will collect and retain nomination packages to create a pool of possible future COGME voting members. When a vacancy occurs, HRSA may review nomination packages from the appropriate category and may contact nominees at that time.

Nominations should be updated and resubmitted every 4 years to continue to be considered for committee vacancies.

HHS strives to ensure a balance of the membership of COGME in terms of points of view presented and the committee's function and makes every effort to ensure the representation of views of women, all ethnic and racial groups, and people with disabilities on HHS Federal Advisory Committees. Therefore, we encourage nominations of qualified candidates from these groups and endeavor to make appointments to COGME without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

Authority: Section 762 of the PHSA (42 U.S.C. 294o), as amended. COGME is governed by provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees and applies to the extent that the provisions of FACA do not conflict with the requirements of PHSA Section 762.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018-10129 Filed 5-11-18; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection

Activities: Proposed Collection: Public Comment Request Information
Collection Request Title: Health Center Patient Survey, Reinstatement With Change

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection

projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 13, 2018.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Lisa Wright-Solomon, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443-1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Health Center Patient Survey, OMB No. 0915-0368—Reinstatement with Change.

Abstract: HRSA supported health centers (those entities funded under section 330 of the Public Health Service Act) deliver comprehensive, affordable, quality primary health care to nearly 26 million patients nationwide, regardless of their ability to pay. Nearly 1,400 health centers operate more than 11,000 service delivery sites in every U.S. state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Pacific Basin. In the past, HRSA has conducted the Health Center Patient Survey (HCPS), which surveys patients of HRSA funded health centers. The HCPS collects information about sociodemographic characteristics, health conditions, health behaviors, access to and use of health care services, and satisfaction with health care received at HRSA funded health centers. HRSA will use the same overarching modules from the 2014 HCPS but will

employ changes designed to streamline the questionnaire to minimize burden and to standardize questions with other national surveys enabling comparative analyses with particular focus on HHS and HRSA priority areas (e.g., mental health and substance use). Survey results come from in-person, one-on-one interviews with patients who are selected as nationally representative of the Health Center Program patient population.

Need and Proposed Use of the Information: The HCPS uniquely focuses on comprehensive, nationally representative, individual level data from the perspective of health center patients. By investigating how well HRSA funded health centers meet the health care needs of the medically underserved and how patients perceive their quality of care, the HCPS serves as an empirically based resource to inform HRSA policy, funding, and planning decisions.

Likely Respondents: Patients at HRSA supported health centers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. Compared to previous HCPS, the estimated burden hours for an individual respondent remains the same in the reinstatement. However, the total annual burden hours and number of survey respondents is anticipated to increase in order reflect the growing number of patients served by the Health Center Program. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Grantee Recruitment	220	1	220	2.00	440
Site Recruitment and Training	700	1	700	3.15	2,205
Patient Screening	13,120	1	13,120	0.17	2,230
Patient Survey	9,058	1	9,058	1.25	11,323

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Total	23,098	.....	23,098	.....	16,198

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–10182 Filed 5–11–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Advisory Committee on Children and Disasters and National Preparedness and Response Science Board Public Meetings

AGENCY: Department of Health and Human Services (HHS), Office of the Assistant Secretary for Preparedness and Response (ASPR).

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services is hereby giving notice that the National Advisory Committee on Children and Disasters (NACCD) and National Preparedness and Response Science Board (NPRSB) will hold public meetings on June 26–28, 2018.

DATES: The NPRSB Inauguration and Public Meeting is June 26, 2018, from 9:00 a.m. to 5:00 p.m. Eastern Daylight Time (EDT). The NPRSB and NACCD Joint Public Meeting is June 27, 2018, from 9:00 a.m. to 4:00 p.m. EDT. The NACCD Public Meeting is June 28, 2018, from 9:00 a.m. to 4:00 p.m. EDT. The meetings will be held in the O'Neill Building, 200 C Street SW, Washington, DC 20024.

ADDRESSES: We encourage members of the public to attend the public meetings. To register, send an email to naccd@hhs.gov with “NACCD Registration” in the subject line, or to nprsb@hhs.gov with “NPRSB Registration” in the

subject line. Submit your comments to naccd@hhs.gov, nprsb@hhs.gov, the NPRSB Contact Form located at <https://www.phe.gov/Preparedness/legal/boards/nprsb/Pages/RFNBSBComments.aspx>, or the NACCD Contact Form located at <https://www.phe.gov/Preparedness/legal/boards/naccd/Pages/contact.aspx>. For additional information, visit the NACCD website located at <https://www.phe.gov/naccd> or the NPRSB website located at <https://www.phe.gov/nprsb>.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), and Section 2811A of the Public Health Service (PHS) Act (42 U.S.C. 300hh–10a), as added by Section 103 of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the NACCD. The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters.

The NPRSB is authorized under Section 319M of the PHS Act (42 U.S.C. 247d–7f), as added by Section 402 of the Pandemic and All-Hazards Preparedness Act of 2006 and amended by Section 404 of the Pandemic and All-Hazards Preparedness Reauthorization Act, and by Section 222 of the PHS Act (42 U.S.C. 217a). The Board is governed by the Federal Advisory Committee Act (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees. The NPRSB provides expert advice and guidance on scientific, technical, and other matters of special interest to the Department regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

Background: The June 26–28, 2018, public meetings of the NPRSB and the NACCD are dedicated to identifying key areas of analysis and recommendations for the NPRSB and the NACCD to advise the Assistant Secretary for Preparedness and Response (ASPR) and the HHS Secretary related to current key ASPR priorities of providing strong leadership

in health response, advancing an innovative medical countermeasures enterprise, building regional disaster health response systems, and sustaining robust and reliable public health response capabilities. On June 26, the NPRSB will hold an inauguration for newly appointed Board members and formally thank Board members whose terms are ending for their service. There will also be a public meeting focused on enhancement of medical countermeasures, biodefense, and efforts to protect the U.S. from 21st century health threats. On June 27, the NPRSB and NACCD will hold a joint meeting focused on new and continuing collaborative work of the Advisory Committees. The focus will be on the Future Strategies Work Group joint effort to develop recommendations to best support successful achievement of the HHS and ASPR mission related to preparedness, response, and recovery from 21st century health threats. On June 28, the NACCD will hold a public meeting dedicated to the NACCD's continuing work to improve outcomes for children and youth in disasters and public health emergencies. The focus will be upon pediatric care systems within regional disaster health response systems and opportunities for capacity-building and leveraging existing strengths for pediatric surge capacity in large-scale emergency events. We will post modifications to the agenda on the NACCD and NPRSB meeting websites, which are located at <https://www.phe.gov/naccd> and <https://www.phe.gov/nprsb>.

Availability of Materials: We will post all meeting materials prior to the meeting on June 26, 2018, at the websites located at <https://www.phe.gov/naccd> and <https://www.phe.gov/nprsb>.

Procedures for Providing Public Input: Members of the public may attend the public meetings in person or via a toll-free call-in phone number, which is available on the NACCD and the NPRSB websites at <https://www.phe.gov/naccd> or <https://www.phe.gov/nprsb>.

We encourage members of the public to provide written comments that are relevant to the NACCD and NPRSB public meetings prior to June 26, 2018. Send written comments by email to

naccd@hhs.gov with “NACCD Public Comment” in the subject line or to *nprsb@hhs.gov* with “NPRSB Public Comment” in the subject line. The NACCD and NPRSB Chairs will respond to comments received by June 25, 2018, during the public meeting.

Dated: May 7, 2018.

Robert P. Kadlec,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2018–10212 Filed 5–11–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: June 12, 2018.

Open: 8:00 a.m. to 12:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A Convent Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A Convent Drive, Bethesda, MD 20892.

Contact Person: Laura K. Moen, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, 301–435–0260, *moenl@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: www.nhlbi.nih.gov/meetings/nhlbac/index.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 8, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10138 Filed 5–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: May 18, 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: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: May 18, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 8, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10139 Filed 5–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Sudden Death in Youth DCC.

Date: May 31, 2018.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Keary A Cope, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892-7924, 301-827-7912, copeka@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 8, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-10137 Filed 5-11-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-day Comment Request; Collection of Customer Service, Demographic, and Smoking/Tobacco Use Information From the National Cancer Institute's Contact Center (CC) Clients (National Cancer Institute)

AGENCY: National Institutes of Health, Department of Health and Human Services.

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 Cancer Institute (NCI) 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: Mary Anne Bright, Supervisory Public Health Advisor, CCPIB/OCPL, 9609 Medical Center Drive, Rockville, MD 20850, or call non-toll-free number 240-276-6647 or Email your request, including your address to: brightma@mail.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: Collection of Customer Service, Demographic, and Smoking/Tobacco Use Information from the National Cancer Institute's Contact Center (CC) Clients (NCI), 0925-0208 Expiration Date 04/30/2019, REVISION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The National Cancer Institute (NCI) currently collects: (1) Customer service and demographic information from clients of the Contact Center (CC) in order to properly plan, implement, and evaluate cancer education efforts, including assessing the extent by which the CC reaches and impacts underserved populations; (2) smoking/tobacco use behavior of individuals seeking NCI's smoking cessation assistance through the CC in order to provide smoking cessation services tailored to the individual client's needs and track their smoking behavior at follow up. This is a request for OMB to approve a revised submission for an additional three years to provide ongoing customer service collection of demographic information, and collection of brief customer satisfaction questions from NCI Contact Center Clients for the purpose of program planning and evaluation.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,674.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Survey instrument	Number of respondents	Frequency of responses	Average time per response (minutes/hour)	Annual burden hours
Telephone Clients	Customer Service	31,562	1	1/60	526
	Demographic & Customer Satisfaction Questions.	13,100	1	2/60	437
Smoking Cessation Clients	Smoking Cessation "Intake" Questions.	3,380	1	4/60	225
	Customer Satisfaction Questions ..	676	1	2/60	23
VA Smoking Cessation Clients	Call Backs	1,560	1	1/60	26
VA Follow Up Calls	Call Backs	936	1	4/60	62
LiveHelp Clients	Live Help Questions	6,236	1	2/60	208
E-mail Clients	Email Intake Form	1,002	1	10/60	167
Total .....	.....	58,452	58,452	.....	1,674

Dated: May 1, 2018.

Karla C. Bailey,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2018-10136 Filed 5-11-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2016-1061]

Proposed Termination of U.S. Coast Guard Rebroadcast of HYDROLANT and HYDROPAC Information

ACTION: Notice and request for comments.

SUMMARY: The United States Coast Guard may cease rebroadcasting HYDROLANT and HYDROPAC (defined below) navigational warnings from the National Geospatial-Intelligence Agency (NGA) over HF SITOR (defined below). There is not a requirement for the Coast Guard to rebroadcast this information, although the Coast Guard has been voluntarily doing so for a number of years, and doing so is duplicative of NGA's broadcast. The information would continue to be disseminated by the NGA. This notice requests public comment on the possibility of terminating the rebroadcast over HF SITOR.

DATES: Comments must be submitted to the online docket via <http://www.regulations.gov>, on or before July 13, 2018.

ADDRESSES: You may submit comments identified by docket number USCG-2016-1061 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: For information about this document, please call or email Derrick Croinex, Chief, Spectrum Management and Telecommunications Policy, U.S. Coast Guard (Commandant CG-672); telephone: 202-475-3551; email: derrick.j.croinex@uscg.mil

SUPPLEMENTARY INFORMATION:

Abbreviations

GMDSS Global Maritime Distress and Safety System

HF SITOR High Frequency Simplex Teletype Over Radio service

HYDROLANT Navigational Warnings
Categorized by their Atlantic Ocean Location

HYDROPAC Navigational Warnings
Categorized by their Pacific Ocean/Pacific Rim Location

NGA National Geospatial-Intelligence Agency

NTM Notice to Mariners

WWNWS Worldwide Navigational Warnings Service

Public Participation and Request for Comments

We encourage you to submit comments (or related material) on the possible termination of the USCG's rebroadcast of HYDROLANT and HYDROPAC information. We will consider all submissions received before the comment period closes. If you submit a comment, please include the docket number for this notice, 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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Discussion

In support of the Global Maritime Distress and Safety System (GMDSS), Broadcast Warnings are promulgated by the Worldwide Navigational Warnings Service (WWNWS) to provide rapid dissemination of information critical to navigation and the safety of life at sea.

Broadcast Warnings are issued regularly by the WWNWS and contain information about persons in distress, or objects and events that pose an immediate hazard to navigation. The

four types of Navigational Warnings—NAVAREA IV, HYDROLANT, NAVAREA XII, and HYDROPAC—are categorized by their location. In addition, warnings are issued for the Arctic region not covered by HYDROLANT and HYDROPAC messages. A graphic showing the locations of the Navigational Warning areas is available on NGA's website at <http://msi.nga.mil/MSISiteContent/StaticFiles/Images/navwarnings.jpg>. Additional information regarding this program is available at the following NGA website: http://msi.nga.mil/NGAPortal/MSI.portal?nfpb=true&pageLabel=msi_portal_page_63.

NGA currently provides, and will continue to provide, global broadcast through HYDROLANT, HYDROPAC, and HYDROARC messages over INMARSAT maritime satellite telecommunications services which are principally directed to the U.S. Navy (USN) and National Geospatial Intelligence Agency (NGA) partners. NGA also is charged with promulgation of the U.S. Notice to Mariners (NTM) and it satisfies this via the NGA website and email subscription, which can be monitored via INMARSAT-C maritime satellite telecommunications services. In accordance with the International Hydrographic Organization's (IHO) World-Wide Navigational Warning Service (WWNWS), the United States is solely responsible for Broadcast Warnings to the NAVAREA IV and XII geographic locations. Broadcast Warning messages are also available at Google Earth.

Other notices, Special Warnings and Maritime Administration (MARAD) Advisories, are issued infrequently and contain information about potential hazards caused by the global political climate.

In addition, a Daily Memorandum is issued each week day by NGA, excluding federal holidays, and contains a summary of all Broadcast Warnings and Special Warnings promulgated during the past 24-72 hours. The Atlantic Edition includes HYDROLANT and NAVAREA IV Warnings, while the Pacific Edition includes HYDROPAC and NAVAREA XII Warnings. Both editions include Special Warnings and HYDROARC Warnings issued during the same period.

In light of all of the foregoing ways in which this weather-related information is available to mariners, the Coast Guard's rebroadcasting of these warnings has become unnecessary. Rebroadcasting this information has become very time consuming for the Coast Guard, and it takes limited resources away from other safety

missions performed by the Coast Guard. Therefore, we believe it is in the public interest for the Coast Guard to cease rebroadcasting of this information.

Before terminating the rebroadcasting of WNNWS weather warnings, we will consider comments from the public. After considering any comments received, the Coast Guard will issue a notice in the **Federal Register** indicating how the matter will be resolved.

This notice is issued under authority of 14 U.S.C. 93(a)(16) and in accordance with 5 U.S.C. 552(a).

Dated: May 8, 2018.

Derrick J. Croinex,

Chief, Spectrum Management and Telecommunications Policy.

[FR Doc. 2018-10215 Filed 5-11-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2018-0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting

Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of September 14, 2018 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 1, 2018.

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation (Acting), Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Carroll County, Ohio and Incorporated Areas	
Docket No.: FEMA-B-1704	
Unincorporated Areas of Carroll County	Carroll County Courthouse, 119 South Lisbon Street, Carrollton, OH 44615.
Village of Magnolia	Village Hall, 328 North Main Street, Magnolia, OH 44643.
Stark County, Ohio and Incorporated Areas	
Docket No.: FEMA-B-1704	
City of Massillon	Municipal Government Annex, 151 Lincoln Way East, Massillon, OH 44646.
Unincorporated Areas of Stark County	Stark County Office Building, 110 Central Plaza South, Canton, OH 44702.
Village of East Sparta	Municipal Building, 9353 Main Avenue, East Sparta, OH 44626.

[FR Doc. 2018–10153 Filed 5–11–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4358–DR; Docket ID FEMA–2018–0001]

Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4358–DR), dated April 12, 2018, and related determinations.

DATES: The declaration was issued April 12, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 12, 2018, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from severe storms, flooding, landslides, and mudslides during the period of February 9–14, 2018, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures

Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Manny J. Toro, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Bell, Breathitt, Clay, Estill, Floyd, Harlan, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Magoffin, Martin, Metcalfe, Owsley, Perry, Pike, Powell, Whitley, and Wolfe Counties for Public Assistance.

All areas within the Commonwealth of Kentucky are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–10150 Filed 5–11–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone

designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency’s (FEMA’s) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of August 28, 2018 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 1, 2018.
David I. Maurstad,
Deputy Associate Administrator for Insurance and Mitigation (Acting), Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Grand Traverse County, Michigan (All Jurisdictions)	
Docket Nos.: FEMA-B-1463 and FEMA-B-1630	
Charter Township of East Bay	East Bay Township Hall, 1965 Three Mile Road North, Traverse City, MI 49696.
Charter Township of Garfield	Garfield Township Hall, 3848 Veterans Drive, Traverse City, MI 49684.
City of Traverse City	City Hall, 400 Boardman Avenue, Traverse City, MI 49684.
Grand Traverse Band of Ottawa and Chippewa Indians	Grand Traverse Band of Ottawa and Chippewa Indians Tribal Government, 2605 North West Bay Shore Drive, Peshawbestown, MI 49682.
Township of Acme	Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690.
Township of Blair	Blair Township Hall, 2121 County Road 633, Grawn, MI 49637.
Township of Green Lake	Green Lake Township Hall, 9394 10th Street, Interlochen, MI 49643.
Township of Long Lake	Long Lake Township Hall, 8870 North Long Lake Road, Traverse City, MI 49685.
Township of Paradise	Paradise Township Hall, 2300 East M113, Kingsley, MI 49649.
Township of Peninsula	Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686.
Township of Union	Union Township Hall, 5020 Fife Lake Road, Fife Lake, MI 49633.
Township of Whitewater	Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690.
Village of Kingsley	Village Hall, 207 South Brownson Avenue, Kingsley, MI 49649.
Atlantic County, New Jersey (All Jurisdictions)	
Docket No.: FEMA-B-1471	
Borough of Buena	Buena Borough Construction and Permits Office, 616 Central Avenue, Minotola, NJ 08341.
Borough of Folsom	Borough Hall, 1700 12th Street, Folsom, NJ 08037.
Borough of Longport	Borough Hall, 2305 Atlantic Avenue, Longport, NJ 08403.
City of Absecon	City Hall, 500 Mill Road, Absecon, NJ 08201.
City of Brigantine	City Hall, 1417 West Brigantine Avenue, Brigantine, NJ 08203.
City of Linwood	Construction Office, 400 Poplar Avenue, Linwood, NJ 08221.
City of Margate City	Construction Office, 9001 Winchester Avenue, Margate City, NJ 08402.
Town of Hammonton	Town Engineer's Office, 850 South White Horse Pike, Hammonton, NJ 08037.
Township of Buena Vista	Buena Vista Township Hall, 890 Harding Highway, Buena, NJ 08310.
Township of Egg Harbor	Municipal Building, 3515 Bargaintown Road, Egg Harbor, NJ 08234.
Township of Hamilton	Hamilton Township Zoning Office, 6101 Thirteenth Street, Mays Landing, NJ 08330.
Township of Mullica	Mullica Township Hall, 4528 White Horse Pike, Elwood, NJ 08217.
Township of Weymouth	Weymouth Township Municipal Building, 45 South Jersey Avenue, Dorothy, NJ 08317.

[FR Doc. 2018-10151 Filed 5-11-18; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4352-DR; Docket ID FEMA-2017-0001]

Pueblo of Acoma; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Pueblo of Acoma (FEMA-4352-DR), dated December 20, 2017, and related determinations.

DATES: This amendment was issued April 17, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April

17, 2018, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage to the Pueblo of Acoma resulting from severe storms and flooding during the period of October 4-6, 2017, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding

Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act").

Therefore, I amend my declaration of December 20, 2017, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs.

This adjustment to the cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–10149 Filed 5–11–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

FOR FURTHER INFORMATION CONTACT: Rick Sacibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) patrick.sacibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 1, 2018.

David I. Maurstad,
Deputy Associate Administrator for Insurance and Mitigation (Acting), Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Houston (FEMA Docket No.: B–1770).	City of Dothan, (17–04–1523P).	The Honorable Mike Schmitz, Mayor, City of Dothan, 126 North Saint Andrews Street, Suite 201, Dothan, AL 36303.	City Hall, 126 North Saint Andrews Street, Suite 201, Dothan, AL 36303.	Mar. 9, 2018	010104
Shelby (FEMA Docket No.: B–1770).	City of Helena, (17–04–6802P).	The Honorable Mark R. Hall, Mayor, City of Helena, 816 Highway 52E, Helena, AL 35080.	City Hall, 816 Highway 52E, Helena, AL 35080.	Mar. 8, 2018	010294
Shelby (FEMA Docket No.: B–1770).	City of Hoover, (17–04–6802P).	The Honorable Frank Brocato, Mayor, City of Hoover, 100 Municipal Drive, Hoover, AL 35216.	City Hall, 100 Municipal Drive, Hoover, AL 35216.	Mar. 8, 2018	010123

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Date of modification	Community No.
Shelby (FEMA Docket No.: B-1770).	City of Pelham, (17-04-7130P).	The Honorable Gary W. Waters, Mayor, City of Pelham, 3162 Pelham Parkway, Pelham, AL 35124.	City Hall, 3162 Pelham Parkway, Pelham, AL 35124.	Mar. 1, 2018	010193
Shelby (FEMA Docket No.: B-1770).	Unincorporated Areas of Shelby County, (17-04-6802P).	The Honorable Jon Parker, Chairman, Shelby County Commission, P.O. Box 467, Columbiana, AL 35051.	Shelby County Engineering Department, 506 Highway 70, Columbiana, AL 35051.	Mar. 8, 2018	010191
Arkansas: Benton, (FEMA Docket No.: B-1770)	City of Rogers, (17-06-3502P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	Jefferson County Land Development Department, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	Mar. 2, 2018	050013
Colorado:					
Arapahoe, (FEMA Docket No.: B-1770).	City of Centennial, (17-08-0785P).	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	Mar. 23, 2018	080315
Boulder, (FEMA Docket No.: B-1770).	City of Lafayette, (17-08-0625P).	The Honorable Christine Berg, Mayor, City of Lafayette, 1290 South Public Road, Lafayette, CO 80026.	City Hall, 1290 South Public Road, Lafayette, CO 80026.	Mar. 8, 2018	080026
Boulder, (FEMA Docket No.: B-1770).	Unincorporated areas of Boulder County, (17-08-0625P).	The Honorable Deb Gardner, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80304.	Mar. 8, 2018	080026
El Paso, (FEMA Docket No.: B-1767).	City of Fountain, (17-08-0459P).	Mr. Scott Trainor, Manager, City of Fountain, 116 South Main Street, Fountain, CO 80817.	Planning Department, 116 South Main Street, Fountain, CO 80817.	Mar. 2, 2018	080061
El Paso, (FEMA Docket No.: B-1767).	Unincorporated areas of El Paso County, (17-08-0459P).	The Honorable Darryl Glenn, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Planning and Community Development Department, 2880 International Circle, Suite 110, Colorado Springs, CO 80910.	Mar. 2, 2018	080059
Larimer, (FEMA Docket No.: B-1767).	City of Fort Collins, (16-08-1356P).	The Honorable Wade Troxell, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	Feb. 26, 2018	080102
Florida:					
Broward, (FEMA Docket No.: B-1770).	Town of Hillsboro Beach, (17-04-4804P).	The Honorable Deborah Tarrant, Mayor, Town of Hillsboro Beach, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.	Building Department, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.	Mar. 19, 2018	120040
Broward, (FEMA Docket No.: B-1770).	Unincorporated areas of Broward County, (17-04-4804P).	The Honorable Barbara Sharief, Mayor, Broward County Board of Commissioners, 115 South Andrews Avenue, Room 520, Ft. Lauderdale, FL 33301.	Broward County Environmental Engineering and Permitting Division, 1 North University Drive, Ft. Lauderdale, FL 33324.	Mar. 19, 2018	125093
Charlotte, (FEMA Docket No.: B-1767).	Unincorporated areas of Charlotte County, (17-04-6576P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle Port Charlotte, FL 33948.	Feb. 28, 2018	120061
Collier, (FEMA Docket No.: B-1770).	City of Marco Island, (17-04-6180P).	The Honorable Larry Honig, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	Mar. 21, 2018	120426
Duval, (FEMA Docket No.: B-1770).	City of Jacksonville, (17-04-1426P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Department, 214 North Hogan Street, Room 2100, Jacksonville, FL 32202.	Mar. 12, 2018	120077
Hillsborough, (FEMA Docket No.: B-1767).	City of Tampa, (17-04-5064P).	The Honorable Bob Buckhorn, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	Development Services Department, 1400 North Boulevard, Tampa, FL 33607.	Mar. 5, 2018	120114
Hillsborough, (FEMA Docket No.: B-1770).	City of Tampa, (17-04-5729P).	The Honorable Bob Buckhorn, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	Development Services Department, 1400 North Boulevard, Tampa, FL 33607.	Mar. 7, 2018	120114
Lee, (FEMA Docket No.: B-1767).	City of Sanibel, (17-04-5722P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	Feb. 28, 2018	120402
Lee, (FEMA Docket No.: B-1767).	City of Sanibel, (17-04-7198P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	Mar. 6, 2018	120402
Lee, (FEMA Docket No.: B-1770).	Town of Fort Myers Beach, (17-04-5026P).	The Honorable Dennis C. Boback, Mayor, Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2523 Estero Boulevard, Fort Myers Beach, FL 33931.	Mar. 8, 2018	120673
Manatee, (FEMA Docket No.: B-1770).	City of Bradenton, (17-04-8018X).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	City Hall, 101 Old Main Street West, Bradenton, FL 34205.	Mar. 20, 2018	120155
Manatee, (FEMA Docket No.: B-1770).	Unincorporated areas of Manatee County, (17-04-8018X).	The Honorable Betsy Benac, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Mar. 20, 2018	120153

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Date of modification	Community No.
Monroe, (FEMA Docket No.: B-1770).	City of Key West, (17-04-6775P).	The Honorable Craig Cates, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	Building Department, 1300 White Street, Key West, FL 33041.	Mar. 5, 2018	120168
Monroe, (FEMA Docket No.: B-1770).	City of Key West, (17-04-6810X).	The Honorable Craig Cates, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	Building Department, 1300 White Street, Key West, FL 33041.	Mar. 5, 2018	120168
Monroe, (FEMA Docket No.: B-1767).	City of Marathon, (17-04-6938P).	The Honorable Dan Zieg, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	Mar. 2, 2018	120681
Okaloosa, (FEMA Docket No.: B-1803).	City of Destin, (17-04-5431P).	Ms. Carisse LeJeune, Manager, City of Destin, 4200 Indian Bayou Trail, Destin, FL 32541.	Public Services Department, 4200 Indian Bayou Trail, Destin, FL 32541.	Mar. 20, 2018	125158
Okaloosa, (FEMA Docket No.: B-1803).	Unincorporated areas of Okaloosa County, (17-04-5431P).	The Honorable Carolyn Ketchel, Chair, Okaloosa County Board of Commissioners, 1250 North Eglin Parkway, Suite 100, Shalimar, FL 32579.	Okaloosa County Information Technology Department, GIS Division, 1250 North Eglin Parkway, Suite 303, Shalimar, FL 32579.	Mar. 20, 2018	120173
Pinellas, (FEMA Docket No.: B-1770).	City of Madeira Beach, (17-04-5429P).	The Honorable Maggi Black, Mayor, City of Madeira Beach, 300 Municipal Drive, Madeira Beach, FL 33708.	Community Development Center, 300 Municipal Drive, Madeira Beach, FL 33708.	Mar. 19, 2018	125127
Seminole, (FEMA Docket No.: B-1767).	City of Casselberry, (17-04-5310P).	The Honorable Charlene Glancy, Mayor, City of Casselberry, 95 Triplet Lake Drive, Casselberry, FL 32707.	City Hall, 95 Triplet Lake Drive, Casselberry, FL 32707.	Mar. 1, 2018	120291
Georgia:					
Gwinnett, (FEMA Docket No.: B-1810).	Unincorporated areas of Gwinnett County, (17-04-5175P).	The Honorable Charlotte E. Nash, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Planning and Development Department, 446 West Crogan Street, Lawrenceville, GA 30046.	Mar. 19, 2018	130322
Gwinnett, (FEMA Docket No.: B-1810).	Unincorporated areas of Gwinnett County, (17-04-7249P).	The Honorable Charlotte E. Nash, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Planning and Development Department, 446 West Crogan Street, Lawrenceville, GA 30046.	Mar. 22, 2018	130322
Jackson, (FEMA Docket No.: B-1803).	Town of Braselton, (17-04-4117P).	The Honorable Bill Orr, Mayor, Town of Braselton, 4986 Highway 53, Braselton, GA 30517.	Public Works Department, 4986 Highway 53, Braselton, GA 30517.	Mar. 15, 2018	130343
Jackson, (FEMA Docket No.: B-1803).	Unincorporated areas of Jackson County, (17-04-4117P).	The Honorable Tom Crow, Chairman, Jackson County Board of Commissioners, 67 Athens Street, Jefferson, GA 30549.	Jackson County Public Development Department, 67 Athens Street, Jefferson, GA 30549.	Mar. 15, 2018	130345
Louisiana:	Unincorporated areas of Tangipahoa Parish, (17-06-1567P).	The Honorable Robby Miller, President, Tangipahoa Parish, P.O. Box 215, Amite, LA 70422.	Tangipahoa Parish Department of Public Works, 44512 West Pleasant Ridge Road, Hammond, LA 70401.	Mar. 15, 2018	220206
Maryland:					
Frederick, (FEMA Docket No.: B-1762).	Town of New Market, (17-03-0470P).	The Honorable Winslow F. Burhans, III, Mayor, Town of New Market, P.O. Box 27, New Market, MD 21774.	Town Hall, 39 West Main Street, New Market, MD 21774.	Mar. 14, 2018	240088
Montgomery, (FEMA Docket No.: B-1770).	Unincorporated areas of Montgomery County, (17-03-0816P).	The Honorable Isiah Leggett, Montgomery County Executive, 101 Monroe Street, 2nd Floor, Rockville, MD 20850.	Montgomery County Department of Permitting Services, 255 Rockville Pike, 2nd Floor, Rockville, MD 20850.	Mar. 23, 2018	240049
Massachusetts:	Town of Wareham, (17-01-0909P).	Mr. Derek Sullivan, Administrator, Town of Wareham, 54 Marion Road, Wareham, MA 02571.	Town Hall, 54 Marion Road, Wareham, MA 02571.	Mar. 23, 2018	255223
North Carolina: Orange, (FEMA Docket No.: B-1803).	Town of Chapel Hill, (17-04-3137P).	The Honorable Pam Hemminger, Mayor, Town of Chapel Hill, 405 Martin Luther King Jr. Boulevard, Chapel Hill, NC 27514.	Stormwater Management Program Department, 208 North Columbia Street, Chapel Hill, NC 27514.	Mar. 13, 2018	370180
Oklahoma:	City of Shawnee, (17-06-3304P).	Mr. Justin Erickson, Manager, City of Shawnee, P.O. Box 1448, Shawnee, OK 74801.	City Hall, 16 West 9th Street, Shawnee, OK 74801.	Mar. 12, 2018	400178
Pennsylvania:					
Berks, (FEMA Docket No.: B-1767).	Borough of Mohnton, (17-03-1918P).	The Honorable Gary D. Kraft, Mayor, Borough of Mohnton, 21 O'Neil Street, Mohnton, PA 19540.	Borough Hall, 21 O'Neil Street, Mohnton, PA 19540.	Feb. 26, 2018	420142
Berks, (FEMA Docket No.: B-1767).	Township of Cumru, (17-03-1918P).	The Honorable Ruth O'Leary, President, Township of Cumru Board of Commissioners, 1775 Welsh Road, Mohnton, PA 19540.	Township Hall, 1775 Welsh Road, Mohnton, PA 19540.	Feb. 26, 2018	420130
Rhode Island: Providence, (FEMA Docket No.: B-1810).	City of Providence, (17-01-1322P).	The Honorable Jorge O. Elorza, Mayor, City of Providence, 25 Dorrance Street, Providence, RI 02903.	Department of Inspection and Standards, 444 Westminster Street, Providence, RI 02903.	Mar. 16, 2018	445406
South Carolina:					

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Date of modification	Community No.
Charleston, (FEMA Docket No.: B-1770).	City of Charleston, (17-04-6788P).	The Honorable John J. Tecklenburg, Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29401.	Engineering Division, 2 George Street, Charleston, SC 29401.	Mar. 9, 2018	455412
Greenville, (FEMA Docket No.: B-1803).	City of Greenville, (17-04-4211P).	The Honorable Knox White, Mayor, City of Greenville, P.O. Box 2207, Greenville, SC 29602.	Engineering Division, 206 South Main Street, 8th Floor, Greenville, SC 29601.	Mar. 2, 2018	450091
Greenville, (FEMA Docket No.: B-1803).	Unincorporated areas of Greenville County, (17-04-4211P).	The Honorable H. G. (Butch) Kirven, Jr., Chairman, Greenville County Council, 301 University Ridge, Suite 2400, Greenville, SC 29601.	Greenville County Planning and Code Compliance Division, 301 University Ridge, Suite 4100, Greenville, SC 29601.	Mar. 2, 2018	450089
Richland, (FEMA Docket No.: B-1767).	City of Columbia, (17-04-2846P).	The Honorable Stephen K. Benjamin, Mayor, City of Columbia, P.O. Box 147, Columbia, SC 29217.	Engineering Department, 1136 Washington Street, Columbia, SC 29210.	Mar. 5, 2018	450172
Richland, (FEMA Docket No.: B-1767).	Unincorporated areas of Richland County, (17-04-2846P).	The Honorable Joyce Dickerson, Chair, Richland County Council, 1728 Emerald Valley Road, Columbia, SC 29210.	Richland County Development Services Department, 2020 Hampton Street, 1st Floor, Columbia, SC 29204.	Mar. 5, 2018	450170
Tennessee: Williamson, (FEMA Docket No.: B-1803)	City of Brentwood, (17-04-1261P).	The Honorable Jill Burgin, Mayor, City of Brentwood, 1211 Knox Valley Drive, Brentwood, TN 37027.	City Hall, 5211 Maryland Way, Brentwood, TN 37027.	Jan. 26, 2018	470205
Texas: Bexar, (FEMA Docket No.: B-1770).	City of San Antonio, (17-06-0477P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Mar. 6, 2018	480045
Bexar, (FEMA Docket No.: B-1770).	City of San Antonio, (17-06-1913P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Mar. 14, 2018	480045
Bexar, (FEMA Docket No.: B-1770).	City of San Antonio, (17-06-2951P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Mar. 20, 2018	480045
Collin, (FEMA Docket No.: B-1767).	City of McKinney, (17-06-2044P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Feb. 26, 2018	480135
Collin, (FEMA Docket No.: B-1767).	City of Melissa, (17-06-2044P).	The Honorable Reed Greer, Mayor, City of Melissa, 3411 Barker Avenue, Melissa, TX 75454.	City Hall, 3411 Barker Avenue, Melissa, TX 75454.	Feb. 26, 2018	481626
Collin, (FEMA Docket No.: B-1767).	Unincorporated areas of Collin County, (17-06-2044P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Feb. 26, 2018	480130
Denton, (FEMA Docket No.: B-1770).	City of Frisco, (17-06-3544P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, 3rd Floor, Frisco, TX 75034.	Mar. 12, 2018	480134
Denton, (FEMA Docket No.: B-1770).	Town of Flower Mound, (17-06-3619P).	The Honorable Thomas Hayden, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Engineering Department, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Mar. 14, 2018	480777
Tarrant, (FEMA Docket No.: B-1803).	City of Fort Worth, (17-06-2140P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	Mar. 23, 2018.	
Tarrant, (FEMA Docket No.: B-1770).	City of Fort Worth, (17-06-2291P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	Mar. 8, 2018	480596
Tarrant, (FEMA Docket No.: B-1770).	Unincorporated areas of Tarrant County, (17-06-3156P).	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76196.	Tarrant County Transportation Department, 100 East Weatherford Street, Suite 401, Fort Worth, TX 76196.	Mar. 12, 2018	480582
Travis, (FEMA Docket No.: B-1770).	Unincorporated areas of Travis County, (17-06-1733P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Planning Department, 700 Lavaca Street, 5th Floor, Austin, TX 78767.	Mar. 19, 2018	481026
Virginia: Fauquier, (FEMA Docket No.: B-1770).	Unincorporated areas of Fauquier County, (17-03-2312P).	The Honorable Richard R. Gerhardt, Chairman, Fauquier County Board of Supervisors, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	Fauquier County Circuit Court, 29 Ashby Street, 3rd Floor, Warrenton, VA 20186.	Mar. 22, 2018	510055

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Date of modification	Community No.
Loudoun, (FEMA Docket No.: B-1767).	Town of Lovettsville, (17-03-1213P).	The Honorable Robert Zoldos II, Mayor, Town of Lovettsville, P.O. Box 209, Lovettsville, VA 20180.	Department of Public Works, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.	Mar. 2, 2018	510259
Loudoun, (FEMA Docket No.: B-1767).	Unincorporated areas of Loudoun County, (17-03-1213P).	The Honorable Phyllis J. Randall, Chair, Loudoun County Board of Supervisors, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Department of Public Works, 1 Harrison Street, Leesburg, VA 20177.	Mar. 2, 2018	510090
Wyoming: Teton, (FEMA Docket No.: B-1770)	Town of Jackson, (17-08-1603P).	The Honorable Pete Muldoon, Mayor, Town of Jackson, 150 East Pearl Street, Jackson, WY 83001.	Engineering Department, 450 West Snow King Avenue, Jackson, WY 83001.	Mar. 8, 2018	560052

[FR Doc. 2018-10152 Filed 5-11-18; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0137]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Employment Authorization for Abused Nonimmigrant Spouse

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 13, 2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at dhsdeskofficer@omb.eop.gov. All submissions received must include the agency name and the OMB Control Number 1615-0137 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that

is available via the link in the footer of <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, Telephone number (202) 272-8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 15, 2018, at 83 FR 6872, allowing for a 60-day public comment period. USCIS did receive three comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2016-0004 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Employment Authorization for Abused Nonimmigrant Spouse.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-765V; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* **Primary:** Individuals or households. U.S. Citizenship and Immigration Services (USCIS) will use Form I-765V, Application for Employment Authorization for Abused Nonimmigrant Spouse, to collect the information that is necessary to determine if the applicant is eligible for an initial EAD or renewal EAD as a qualifying abused nonimmigrant spouse. Aliens are required to possess an EAD as evidence of work authorization. To be authorized for employment, an alien must be lawfully admitted for permanent residence or authorized to be so employed by the INA or under regulations issued by DHS. Pursuant to statutory or regulatory authorization, certain classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. USCIS may determine the validity period assigned to any document issued evidencing an alien's

authorization to work in the United States. USCIS also collects biometric information from EAD applicants to verify the applicant's identity, check or update their background information, and produce the EAD card.

USCIS is submitting this request in order for qualifying abused nonimmigrant spouses to seek safety and financial stability from their abuser.

The Form I-765V, Application for Employment Authorization for Abused Nonimmigrant Spouse, permits battered spouses of nonimmigrants admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) of the Act to apply for employment authorization based on section 106 of the INA.

To be eligible for employment authorization issued under INA section 106, credible evidence must be submitted demonstrating that the applicant:

1. Is married to a qualifying principal nonimmigrant spouse, or was married to a qualifying principal nonimmigrant spouse and

a. The spouse died within two years of filing the EAD application,

b. The spouse lost qualifying nonimmigrant status due to an incident of domestic violence, or

c. The marriage to the principal spouse was terminated within the two years prior to filing for the INA section 106 employment authorization, and there is a connection between the termination of the marriage and the battery or extreme cruelty;

2. Was last admitted as a nonimmigrant under INA section 101(a)(15)(A), (E)(iii), (G), or (H);

3. Was battered or has been subjected to extreme cruelty, or whose child was battered or subjected to extreme cruelty, perpetrated by the principal nonimmigrant spouse during the marriage and after admission as a nonimmigrant under INA section 101(a)(15)(A), (E)(iii), (G), or (H); and

4. Currently resides in the United States.

Form I-765V will provide the information needed to determine eligibility for employment authorization based on INA section 106. If the applicant remarries prior to adjudication of the application, he or she is ineligible for initial issuance or renewal of employment authorization under INA section 106.

In addition, if an applicant for employment authorization is filing based on a claim that his or her child was battered or subjected to extreme cruelty, USCIS requires submission of evidence establishing the applicant's parental relationship with the abused child.

Confidentiality provisions of Title 8, United States Code, section 1367 extend to applicants for employment authorization under INA section 106.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-765V is 500 and the estimated hour burden per response is 3.75 hours; the estimated total number of respondents for the information collection Biometric Processing is 500 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 2,460 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$125,000.

Dated: May 8, 2018.

Samantha L. Deshommes,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2018-10175 Filed 5-11-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0123]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Provisional Unlawful Presence Waiver of Inadmissibility

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 13,

2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at dhsdeskofficer@omb.eop.gov. All submissions received must include the agency name and the OMB Control Number 1615-0123 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, Telephone number (202) 272-8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on January 31, at 83 FR 4505, allowing for a 60-day public comment period. USCIS received one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2012-0003 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Provisional Unlawful Presence Waiver of Inadmissibility.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-601A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households: Individuals who are immediate relatives of U.S. citizens and who are applying from within the United States for a waiver of inadmissibility under INA section 212(a)(9)(B)(v) prior to obtaining an immigrant visa abroad.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I-601A is 63,000 and the estimated hour burden per response is 1.5 hours; biometrics processing 63,000 total respondents with a burden of 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 168,210 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$3,413,812.

Dated: May 8, 2018.

Samantha L. Deshommes,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2018-10174 Filed 5-11-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0016]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until July 13, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0016 in the body of the letter, the agency name and Docket ID USCIS-2006-0070. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2006-0070; (2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529-2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, telephone number 202-272-8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case

status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2006-0070 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Relief under Former Section 212(c) of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-191; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. USCIS and EOIR use the information on the form to properly assess and determine whether the applicant is eligible for a waiver under former section 212(c) of INA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-191 is 240 and the estimated hour burden per response is 1.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 360 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$30,300.

Dated: May 8, 2018.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2018-10173 Filed 5-11-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLC0956000 L14400000.BJ0000 18X]

Notice of Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the BLM, are

necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on June 13, 2018.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215-7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239-3856; rbloom@blm.gov. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1-800-877-8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven 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 plat and field notes of the dependent resurvey in Township 9 South, Range 81 West, Sixth Principal Meridian, Colorado, were accepted on April 2, 2018.

The plat, in 2 sheets, incorporating the field notes of the dependent resurvey and survey in Township 48 North, Range 2 West, New Mexico Principal Meridian, Colorado, was accepted on April 26, 2018.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, 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: 43 U.S.C. Chap. 3.

Randy A. Bloom,

Chief Cadastral Surveyor.

[FR Doc. 2018-10210 Filed 5-11-18; 8:45 am]

BILLING CODE 4310-JB-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1031]

Certain UV Curable Coatings for Optical Fibers, Coated Optical Fibers, and Products Containing Same; Notice of the Commission's Final Determination Finding No Violation of Section 337; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined, upon review of the final initial determination (the "ID"), that the complainants have not shown a violation of the Tariff Act of 1930, as amended, in connection with the asserted patents. This investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-3427. 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, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: On December 5, 2016, the Commission instituted this investigation based on a complaint filed by DSM Desotech, Inc. of Elgin, IL; and DSM IP Assets B.V. of Heerlen, Netherlands (collectively, "DSM"). 81 FR 87588-89 (Dec. 5, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain UV curable coatings for optical fibers, coated optical fibers, and products containing same by reason of infringement of one or more of claims

1–8, 10–15, and 18–22 of U.S. Patent No. 6,961,508 (“the ‘508 patent”); claims 1–10 and 13–15 of U.S. Patent No. 7,171,103 (“the ‘103 patent”); claims 2–4, 9, 11–12, and 15 of U.S. Patent No. 7,067,564; and claims 1–3, 9, 12, 16–18, 21, and 30 of U.S. Patent No. 7,706,659 (“the ‘659 patent”). *Id.* The Commission’s Notice of Investigation named as respondents Momenite UV Coatings (Shanghai) Co., Ltd. of Shanghai, China (“MUV”); and OFS Fitel, LLC of Norcross, Georgia (“OFS”) (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

Prior to the evidentiary hearing, DSM withdrew its allegations as to certain patent claims. *See* Order 12 (Apr. 12, 2017), *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination Granting Complainants’ Unopposed Motion to Terminate this Investigation with respect to One Patent Claim (May 11, 2017); Order 50 (Aug. 25, 2017), *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination Withdrawing from the Complaint Certain Allegations Regarding U.S. Patent No. 7,067,564 (Sept. 15, 2017). DSM proceeded at the evidentiary hearing on the following patents and claims: claims 1–8, 11–15, 18–19, 20–21, and 22 of the ‘508 patent; claims 1–10 and 13–15 of the ‘103 patent; and claims 1–3, 9, 12, 16–18, 21, and 30 of the ‘659 patent.

On February 15, 2018, the presiding administrative law judge (“ALJ”) issued the ID, which finds only MUV in violation of section 337, and only as to the ‘508 and ‘103 patents. On February 27–28, 2018, OUII, DSM, MUV, and OFS filed petitions for review of the ID, and on March 7–8, 2018, the parties filed responses to the petitions. On March 19, 2018, the private parties filed statements on the public interest. The Commission also received comments on the public interest from members of the public.

On April 16, 2018, after considering the parties’ petitions and responses thereto, the Commission determined to review the following issues:

(1) Whether respondent OFS imports respondent MUV’s accused KS1–043/048 coating.

(2) Whether claim 30 of ‘659 patent is invalid for lack of written description.

(3) Whether claims 1–8, 11, 15, and 18–19 of the ‘508 patent are invalid for lack of written description and enablement.

(4) Whether claim 21 of the ‘508 patent and claims 1–10 and 13–15 of the

‘103 patent are invalid for lack of written description and enablement.

(5) Whether the accused products infringe the ‘508, ‘103, and ‘659 patents.

(6) Whether the technical and economic prongs of the domestic industry requirement have been met for the ‘508, ‘103, and ‘659 patents.

The Commission had determined to not review the remainder of the ID and did not request any briefing.

On review, the Commission has now determined that DSM has not shown that Respondents have violated section 337. As to the issues under review and as explained more fully in the related Commission Opinion, the Commission has determined to affirm with modifications in part, reverse in part, and take no position as to certain issues under review. More particularly, the Commission has determined to affirm with modified reasoning the ID’s conclusion that claims 1–8, 11, 15, and 18–19 of the ‘508 patent are invalid for lack of written description. The Commission has also determined to supplement the ID’s reasoning as to its conclusion that claim 30 of the ‘659 patent is invalid for lack of written description. The Commission has further determined to reverse the ID’s conclusion that claim 21 of the ‘508 patent and claims 1–10 and 13–15 of the ‘103 patent are not invalid for lack of written description. The Commission has additionally determined to modify the ID to include a finding that respondent OFS imports respondent MUV’s accused KS1–043/048 coating. Finally, the Commission has determined not to take a position as to whether claims 1–8, 11, 15, 18–19, and 21 of the ‘508 patent and claims 1–10 and 13–15 of the ‘103 patent are invalid for lack of enablement; whether the accused products infringe the ‘508, ‘103, and ‘659 patents; and whether the technical and economic prongs of the domestic industry requirement have been met for those patents.

This action is taken under the authority of 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: May 8, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–10164 Filed 5–11–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, INC.

Notice is hereby given that, on April 23, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), ODVA, Inc. (“ODVA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ingersoll-Rand Company, Davidson, NC; Erhardt+Leimer GmbH, Stadtbergen, GERMANY; Dalian SeaSky Automation Co., Ltd., Dalian Liaoning, PEOPLE’S REPUBLIC OF CHINA; CIMON, Gyeonggi-do, REPUBLIC OF KOREA; SYNTEC TECHNOLOGY CO., LTD., Hsinchu City, TAIWAN; and ASA–RT s.r.l., Torino, ITALY, have been added as parties to this venture.

Also, Bedrock Automation, Canton, MA; Criterion NDT, Auburn, WA; Hermany Opto Electronics Inc., Coquitlam, CANADA; Alfa Laval LKM as, Kolding, DENMARK; Pico and Tera, Suwon-si, REPUBLIC OF KOREA; and SWAC Automation Consult GmbH, Oberhaching, GERMANY, have withdrawn as parties to this venture.

In addition, Dynatronix has changed its name to ProTec Dynatronix LLC dba Dynatronix, Amery, WI; and Microscan Systems, Inc. to Omron Microscan Systems, Inc., Renton, WA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on January 29, 2018. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on February 27, 2018 (83 FR 8506).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–10161 Filed 5–11–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0065]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection; Private Industry Feedback Survey

AGENCY: Cyber Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Cyber Division (CyD) will be submitting 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.

DATES: Comments are encouraged and will be accepted for 60 days until July 13, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Stacy Stevens, Unit Chief, FBI, Cyber Division, 935 Pennsylvania Ave. NW, Washington, DC 20535 (facsimile: 703–633–5797; email: slstevens2@fbi.gov) or Stacey Rubin, Management and Program Analyst, FBI, Cyber Division, 935 Pennsylvania Ave. NW, Washington, DC 20535 (facsimile: 703–633–5797; email: sjrubin@fbi.gov). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to OIRA_submission@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 Bureau of Justice Statistics, 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:* Extension with change of a currently approved collection.
2. *The Title of the Form/Collection:* 2013 Private Industry Feedback Survey.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is not a form number on the survey.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The FBI, Cyber Division, produces reports that provide information related to cyber trends and threats for private sector partners. The reports are referred to as Private Industry Notifications (PINs) and FBI Liaison Alert Systems (FLASHs). In order to improve the PIN/FLASH reports, a “Feedback” Section has been added to the reports containing a URL that links to a voluntary online survey. The results of the survey are reviewed by CyD and used to improve future reports to better serve the FBI's private sector partners.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 5,000 respondents will complete the survey. It is estimated that it takes each respondent 3 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 250 hours.

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: May 9, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–10171 Filed 5–11–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on May 14, 2018.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meillinger, Director, OSHA Office of Communications, U.S. Department of Labor, phone: (202) 693–1999; email: meillinger.frank@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–2110; email: robinson.kevin@dol.gov. OSHA's web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpcal/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of CSA Group Testing & Certification Inc. (CSA), as a NRTL. CSA's expansion covers the addition of six test standards to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization

can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the Agency's website at <http://www.osha.gov/dts/otpc/nrtl/index.html>.

CSA submitted an application, dated May 23, 2017 (OSHA-2006-0042-0012), to expand its recognition to include seven additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing CSA's expansion application in the **Federal Register** on December 18, 2017 (82 FR 60051). The Agency requested comments by January 2, 2018, but it received no comments in response to this notice. In the preliminary notice, OSHA included all seven test standards that CSA requested to add to its scope of recognition, one of which would have been new to the NRTL program's list of appropriate test standards. However, due a typographical error, OSHA listed an incorrect test standard as that proposed to be added. To allow notice to stakeholders, OSHA will re-propose to add the correct test standard CSA requested to CSA's scope of recognition and the list of appropriate test standards. OSHA now is proceeding with this final notice to grant expansion of CSA's scope of recognition for the six other test standards.

To obtain or review copies of all public documents pertaining to the CSA's application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration. Docket No. OSHA-2006-0042 contains all materials in the record concerning CSA's recognition.

II. Final Decision and Order

OSHA staff examined CSA's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant CSA's scope of recognition. OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 508A	Standard for Industrial Control Panels.
UL 60950-1 ...	Information Technology Equipment—Safety—Part 1: General Requirements.
UL 60950-21	Information Technology Equipment—Safety—Part 21: Remote Power Feeding.
UL 60950-23	Information Technology Equipment—Safety—Part 23: Large Data Storage Equipment.
UL 61800-5-1	Standard for Adjustable Speed Electrical Power Drive Systems Part 5-1: Safety Requirements—Electrical, Thermal and Energy.
UL 62368-1 ...	Audio/Video, Information and Communication Technology Equipment—Part 1: Safety Requirements.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such

testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSA must abide by the following conditions of the recognition:

1. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSA, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on May 4, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018-10155 Filed 5-11-18; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****[Docket No. OSHA–2006–0028]****MET Laboratories, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces its final decision to add two new test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on May 14, 2018.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration; telephone: (202) 693–2110; email: robinson.kevin@dol.gov. OSHA's web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpcal/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of MET Laboratories, Inc. (MET), as a NRTL. MET's expansion covers the addition of three test standards to its scope of recognition, including two test standards that will be added to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition

and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the Agency's website at <http://www.osha.gov/dts/otpcal/nrtl/index.html>.

MET submitted an application, dated November 8, 2016, (OSHA–2006–0028–0041) to expand its recognition to include four additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing MET's expansion application in the **Federal Register** on February 9, 2018 (83 FR 5318). The Agency requested comments by February 26, 2018, but it received no comments in response to this notice. In the preliminary notice, OSHA included all four test standards that MET requested to add to its scope of recognition. However, due to an inadvertent error, OSHA listed a proposed test standard as already on the NRTL List of Appropriate Test Standards, which it was not. To allow notice to stakeholders, OSHA will later re-propose to add the test standard MET requested to MET's scope of recognition and the NRTL List of Appropriate Test Standards. OSHA now is proceeding with this final notice to grant expansion of MET's scope of recognition for the other three standards.

To obtain or review copies of all public documents pertaining to MET's application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW,

Room N–3653, Washington, DC 20210. Docket No. OSHA–2006–0028 contains all materials in the record concerning MET's recognition.

II. Final Decision and Order

OSHA staff examined MET's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that MET meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant MET's scope of recognition. OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60745–2–15.	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–15: Particular Requirements for Hedge Trimmers.
UL 61010–2–101*.	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.
UL 61010–2–51*.	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–051: Particular Requirements for Laboratory Equipment for Mixing and Stirring.

* Indicates standards that OSHA is adding to the NRTL Program's List of Appropriate Test Standards.

In this notice, OSHA also announces the addition of two new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA has determined that these test standards are appropriate test standards and will include them in the NRTL Program's List of Appropriate Test Standards.

TABLE 2—TEST STANDARDS OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 61010–2–101.	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.
UL 61010–2–51.	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–051: Particular Requirements for Laboratory Equipment for Mixing and Stirring.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, MET must abide by the following conditions of the recognition:

1. MET must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. MET must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. MET must continue to meet the requirements for recognition, including

all previously published conditions on MET's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of MET Inc., subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on May 4, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–10154 Filed 5–11–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Proposed Revision; Information Collections: Employment Information Form; Correction; Extension of comment period

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice; correction; extension of comment period.

SUMMARY: The Department of Labor (DOL) published a document in the **Federal Register** of May 2, 2018, concerning agency collection activities and request for comments on a proposed revision to Information Collections: Employment Information Form. This collection is under OMB control number 1235–0021. The document contained an incorrect first sentence in *Current Actions*. This document corrects the first sentence in the *Current Actions* section and extends the comment period for the notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of the prior notice published in the **Federal Register** on May 2, 2018 (83 FR 19300–19301), on or before July 13, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Compliance Specialist, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution

Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

Correction: In the **Federal Register** of May 2, 2018, in FR Doc. 2018–09301, on page 19301, in Section III, *Current Actions*, correct the first sentence to read:

III. *Current Actions:* The Department of Labor seeks an approval for the revision of this information collection in order to ensure effective administration of the Wage and Hour programs.

Dated: May 8, 2018.

Melissa Smith,

Director, Division of Regulations, Legislation and Interpretation.

[FR Doc. 2018–10220 Filed 5–11–18; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on this extension of a currently approved information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before July 13, 2018 to be assured consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street Suite 5080, Alexandria, Virginia 22314; Fax No. 703–519–8579; or email at PRAComments@NCUA.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0188.

Type of Review: Extension without change of a currently approved collection.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

Affected Public: Individuals or Households; Private Sector: Businesses or other for-profits and Not-for-profit institutions.

Estimated Number of Annual Responses: 56,000.

Frequency of Response: Once per request.

Estimated Total Burden Hours: 42,000.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on May 9, 2018.

Dated: May 9, 2018.

Dawn D. Wolfgang,
NCUA PRA Clearance Officer.

[FR Doc. 2018–10223 Filed 5–11–18; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities, Comment Request: National Science Foundation Proposal/Award Information—National Science Foundation Proposal and Award Policies and Procedures Guide

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on the draft NSF Proposal and Award Policies and Procedures Guide (PAPPG). The primary purpose of this revision is to update the PAPPG to incorporate a number of policy-related changes, including new coverage on sexual and other forms of harassment. The draft NSF PAPPG is now available for your review and consideration on the NSF website at <http://www.nsf.gov/bfa/dias/policy/>.

To facilitate review, revised text has been highlighted in yellow throughout the document to identify significant changes. A brief comment explanation of the change also is provided.

After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

In addition to the type of comments identified above, comments also 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 13, 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. The draft NSF Proposal and Award Policies and Procedures Guide may be found at: <http://www.nsf.gov/bfa/dias/policy/>.

FOR FURTHER INFORMATION CONTACT:

Suzanne Plimpton at (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: “National Science Foundation Proposal/Award Information—NSF Proposal and Award Policies and Procedures Guide.”

OMB Approval Number: 3145–0058.

Expiration Date of Approval: October 31, 2020.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The National Science Foundation Act of 1950 (Pub. L. 81–507) sets forth NSF's mission and purpose:

“To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. . . .”

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

NSF's core purpose resonates clearly in everything it does: Promoting achievement and progress in science and engineering and enhancing the potential for research and education to contribute to the Nation. While NSF's vision of the future and the mechanisms it uses to carry out its charges have evolved significantly over the last six decades, its ultimate mission remains the same.

Use of the Information: The regular submission of proposals to the Foundation is part of the collection of information and is used to help NSF fulfill this responsibility by initiating

and supporting merit-selected research and education projects in all the scientific and engineering disciplines. NSF receives more than 50,000 proposals annually for new projects, and makes approximately 11,000 new awards.

Support is made primarily through grants and cooperative agreements awarded to approximately 2,000 colleges, universities, academic consortia, nonprofit institutions, and small businesses. The awards are primarily based on merit review evaluations of proposals submitted to the Foundation.

The Foundation has a continuing commitment to monitor the operations of its information collection to identify and address excessive reporting burdens as well as to identify any real or apparent inequities based on gender, race, ethnicity, or disability of the proposed principal investigator(s)/ project director(s) or the co-principal investigator(s)/co-project director(s).

Burden on the Public: The Foundation estimates that an average of 120 hours is expended for each proposal submitted. An estimated 50,000 proposals are expected during the course of one year for a total of 6,000,000 public burden hours annually.

Dated: May 9, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018-10170 Filed 5-11-18; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2018-0001]

Sunshine Act Meeting Notice

DATE: Weeks of May 14, 21, 28, June 4, 11, 18, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of May 14, 2018

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: Sally Wilding; 301-287-0596).

Week of June 11, 2018—Tentative

There are no meetings scheduled for the week of June 11, 2018.

Week of June 18, 2018—Tentative

Tuesday, June 19, 2018

9:00 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting). (Contact: Joanna Bridge: 301-415-4052).

* * * * *

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: May 9, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018-10271 Filed 5-10-18; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 70-1151 and 70-0036; NRC-2018-0095]

Westinghouse Electric Company LLC; Consideration of Approval of Transfer of License

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for indirect transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Westinghouse Electric Company, LLC (Westinghouse) on March 21, 2017. The application seeks NRC approval of the indirect transfer of material licenses SNM-1107; SNM-33; and several export licenses for the Westinghouse Electric Company, LLC from Toshiba Corporation, the current parent company of the license holder, to Brookfield WEC Holdings Inc., which is ultimately owned and controlled by Brookfield Asset Management Inc.

DATES: Comments must be filed by June 13, 2018. A request for a hearing on the materials license transfers must be filed by June 4, 2018 and a request for a hearing on the export license transfers must be filed by June 13, 2018. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must follow the instructions in Section VI of the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2018-0095. 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.

- **Email comments to:** Hearingdocket@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- **Fax comments to:** Secretary, Nuclear Regulatory Commission at 301-415-1101.

- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission,

Washington, DC 20555–1101, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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: Ms. Marilyn Diaz, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7110, email: Marilyn.Diaz@nrc.gov, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0095 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–2018–0095.
- *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 Westinghouse Application for Consent to Indirect Change of Control with Respect to Material Licenses and Export Licenses is available in ADAMS under Accession No. ML18086B504.

- *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–2018–0095 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the

comment submissions into ADAMS.

The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering approving the indirect transfer of control of Westinghouse from Toshiba Corporation, the current parent company of the license holder. The application was submitted pursuant to 10 CFR 70.36, 10 CFR 110.50, and 10 CFR 110.51. Westinghouse holds materials licenses SNM 1107; SNM–33; and export licenses XCOM1014, XCOM1047, XCOM1072, XCOM1082, XCOM1093, XCOM1094, XCOM1102, XCOM1111, XCOM1113, XCOM1116, XCOM1170, XCOM1188, XCOM1219, XCOM1246, XCOM1249, XCOM1252, XCOM1255, XCOM1262, XCOM1298, XSNM3006, XSNM3034, XSNM3163, XSNM3264, XSNM3461, XSNM3702, XSNM3769, XR169, XR176, and XR178.

According to the application for approval filed by Westinghouse, the transaction will result in a transfer of controlling interest in Westinghouse from its current parent company Toshiba Corporation, to Brookfield WEC Holdings Inc., a Delaware limited liability company, which is ultimately owned and controlled by Brookfield Asset Management Inc., a Canadian company. Westinghouse will continue to operate the facility and hold the licenses.

No changes to the licensed facilities, equipment or operational changes are being proposed in the application.

Section 184 of the Atomic Energy Act provides “[n]o license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.” The NRC’s regulations at 10 CFR 70.36 state that no

license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission, after securing full information, finds that the transfer is in accordance with the provisions of the Atomic Energy Act and gives its consent in writing. The Commission will approve an application for the indirect transfer of a license if the Commission determines that the proposed transfer of controlling interest will not affect the qualifications of the licensee to hold the license, and that the licensee has provided the financial assurance for decommissioning required by 10 CFR 70.25. 10 CFR 110.50(d) likewise requires Commission approval for transfers of a specific export or import license.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305 and 110.81. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission’s “Agency Rules of Practice and Procedure” in 10 CFR part 2, as well as the public participation procedures in 10 CFR part 110. Interested persons should consult a current copy of 10 CFR 2.309 and 110.82. The NRC’s regulations are accessible electronically from the NRC Library on the NRC’s website at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC’s Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

With respect to the materials licenses, as required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be

permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions filed under 10 CFR 2.309 must be filed no later than 20 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 20 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

With respect to the export licenses, hearing requests and petitions to intervene should be filed in accordance with 10 CFR 110.82, which requires petitioners to explain why a hearing or an intervention would be in the public interest and how a hearing or intervention would assist the Commission in making the determinations required by § 110.45. Such petitions must be filed no later than 30 days from the date of publication of this notice.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-

Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not

serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you

will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket.

Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated March 21, 2018 (ADAMS Accession No. ML18086B504).

VI. Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Any person who desires access to proprietary, confidential commercial information that has been redacted from the application should contact the applicant by telephoning Ray P. Kuyler, Assistant General Counsel, Westinghouse Electric Company at 301-230-4884 for the purpose of negotiating a confidentiality agreement or a proposed protective order with the applicant. If no agreement can be reached, persons who desire access to this information may file a motion with the Secretary and addressed to the Commission that requests the issuance of a protective order.

Dated at Rockville, Maryland, this 9th day of May, 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. 2018-10177 Filed 5-11-18; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2018-0092]

Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a Draft Regulatory Guide (DG), entitled DG-5048, "Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants." This draft revision of Regulatory Guide (RG) 5.54 (Revision 2) renames the guide and consolidates, enhances, and clarifies previous staff guidance for the development of licensee site-specific physical security plans found in NUREG-0908, "Acceptance Criteria for the Evaluation of Nuclear Power Reactor Security Plans," training and qualification plans, and safeguards contingency plans. This revision to RG 5.54 includes editorial changes and clarifications provided by the staff in Security Frequently Asked Questions after the issuance of Revision 1.

DATES: Submit comments by July 13, 2018. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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-2018-0092. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *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:

Dennis Gordon, Office of Nuclear Security and Incident Response, telephone: 301–287–3633, email: Dennis.Gordon@nrc.gov and Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–415–1699, email: Mekonen.Bayssie@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0092 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–2018–0092.

- *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. DG–5048 is available in ADAMS under Accession No. ML17124A490.

- *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–2018–0092 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. Additional Information

The NRC is issuing for public comment a DG in the NRC’s “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC’s regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide, entitled, “Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants,” is temporarily identified by its task number, DG–5048. DG–5048 is proposed Revision 2 of RG 5.54, “Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants” (ADAMS Accession No. ML17124A490). This revision of the guide (Revision 2) retitles the guide and consolidates, enhances, and clarifies previous staff guidance for the development of licensee site-specific physical security plans found in NUREG–0908, “Acceptance Criteria for the Evaluation of Nuclear Power Reactor Security Plans” (ADAMS Accession No. ML18128A239), training and qualification plans, and safeguards contingency plans. This revision to the regulatory guide includes clarifications provided by the staff in the Security Frequently Asked Questions after Revision 1 was published, and contains a wide variety of editorial changes to the overall Revision 1 content. In addition, this revision of the guide provides licensees with guidance for developing security plans and safeguards contingency plans for title 10 of the *Code of Federal Regulations* (10 CFR), part 72 licensees for independent spent fuel storage facilities.

I. Backfitting and Issue Finality

DG–5048 describes a method that the staff of the NRC considers acceptable for use by nuclear power plant licensees in meeting the requirements for the

standard format and content for licensee physical security, training and qualification, and safeguards contingency plans and provides general guidance for the identification, description, and level of detail that licensees should provide, including site-specific conditions, in a comprehensive security plan. Issuance of this DG, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the “Implementation” section of this DG, the NRC has no current intention to impose this guide, if finalized, on holders of current operating licenses or combined licenses.

This DG, if finalized, may be applied to applications for operating licenses and combined licenses docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in the Backfit Rule or be otherwise inconsistent with the applicable issue finality provisions in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Neither section 50.109 nor the issue finality provisions under 10 CFR part 52 were intended to apply to NRC actions that change the expectations of current and future applicants. However, the issue finality provisions of part 52 may apply when an applicant references a part 52 license or other NRC regulatory approval. Nevertheless, the scope of issue finality provided extends only to the matters resolved in the license or regulatory approval. Early site permits, design certification rules, and standard design approvals typically do not address or resolve compliance with operational programs such as the security requirements in 10 CFR part 73. Therefore, applicants referencing an early site permit, design certification rule, or standard design approval may be asked to follow the guidance in this draft regulatory guide, if finalized, or to provide an equivalent alternative process that demonstrates compliance with the underlying NRC regulatory requirements.

Dated at Rockville, Maryland, this 8th day of May, 2018.

For the Nuclear Regulatory Commission.
Thomas H. Boyce,
*Chief, Regulatory Guidance and Generic
 Issues Branch, Division of Engineering, Office
 of Nuclear Regulatory Research.*
 [FR Doc. 2018-10156 Filed 5-11-18; 8:45 am]
BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018-213]

New Postal Product

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 16, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505

(Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* CP2018-213; *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:* May 8, 2018; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* May 16, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,
Secretary.

[FR Doc. 2018-10190 Filed 5-11-18; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 14, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 35 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2018-148, CP2018-214.

Elizabeth Reed,
Attorney, Corporate and Postal Business Law.
 [FR Doc. 2018-10192 Filed 5-11-18; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 14, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 433 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2018-149, CP2018-215.

Elizabeth Reed,
Attorney, Corporate and Postal Business Law.
 [FR Doc. 2018-10193 Filed 5-11-18; 8:45 am]
BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-645, OMB Control No. 3235-0693]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

100 F Street NE, Washington, DC
20549-2736

Extension:

Rule 17g-8 & 17g-9

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") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 17g-8 and 17g-9 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).¹

Rule 17g-8 contains certain requirements for Nationally Recognized Statistical Rating Organizations ("NRSROs") to have policies and procedures with respect to the procedures and methodologies the NRSRO uses to determine credit ratings, with respect to the symbols, numbers, or scores it uses to denote credit ratings, to address instances in which a look-back review determines that a conflict of interest influenced a credit rating, and to consider certain prescribed factors for an effective internal structure. Rule 17g-9 contains requirements for NRSROs to ensure that any person employed by an NRSRO to determine credit ratings meets standards necessary to produce accurate ratings. Currently, there are 10 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g-8 is 1,450 hours and to comply with Rule 17g-9 is 25,004 hours.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Background documentation for this information collection may be viewed at the following website: www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta_Ahmed@omb.eop.gov; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE,

Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 8, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-10145 Filed 5-11-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83188; File No. SR-PEARL-2018-12]

Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

May 8, 2018.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 27, 2018, MIAx PEARL, LLC ("MIAx PEARL" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAx PEARL Fee Schedule (the "Fee Schedule") to establish a monthly Trading Permit Fee assessable to Members that solely clear transactions on the Exchange.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl> at MIAx PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish a monthly Trading Permit Fee assessable to Members³ that solely clear transactions on the Exchange. For clarity, the Exchange also proposes to adopt a related definition of "EEM Clearing Firm" (the type of Member to which this monthly Trading Permit Fee shall apply) in the "Definitions" section of the Fee Schedule. The Exchange notes that it recently adopted certain monthly Trading Permit Fees applicable to its Members (other than Members that solely clear transactions on the Exchange).⁴

Definitions

The Exchange proposes to amend the "Definitions" section of the Fee Schedule to add the new definition of "EEM Clearing Firm." The term "EEM Clearing Firm" shall mean an EEM⁵ that solely clears transactions on the Exchange and does not connect to the Exchange via either the FIX Interface⁶ or MEO Interface.⁷

Monthly EEM Clearing Firm Trading Permit Fees

The Exchange recently adopted fees applicable to Trading Permits which are issued to Members who are either EEMs or Market Makers.⁸ The Exchange

³ "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁴ See Securities Exchange Act Release No. 82867 (March 13, 2018), 83 FR 12044 (March 19, 2018) (SR-PEARL-2018-07).

⁵ "EEM" or "Electronic Exchange Member" means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁶ "FIX Interface" means the Financial Information Exchange interface for certain order types as set forth in Exchange Rule 516. See Exchange Rule 100. See the Definitions Section of the Fee Schedule.

⁷ "MEO Interface" means a binary order interface for certain order types as set forth in Rule 516 into the MIAx PEARL System. See Exchange Rule 100. See the Definitions Section of the Fee Schedule.

⁸ "Market Maker" means a Member registered with the Exchange for the purpose of making

¹ See 17 CFR 240.17g-1 and 17 CFR 249b.300.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

charges its Members Trading Permit fees which are based upon the monthly total volume executed by the Member and its Affiliates⁹ on the Exchange across all origin types, not including Excluded Contracts,¹⁰ as compared to the TCV¹¹ in all MIAX PEARL-listed options. The Exchange adopted a tier-based fee structure that is volume-based.

The Exchange also charges such Trading Permit Fees based upon the type of interface used by the Member to connect to the Exchange—either the FIX Interface and/or the MEO Interface. Any Member (whether EEM or Market Maker) can select either type of interface (either FIX Interface and/or MEO Interface). Each Member who uses the FIX Interface to connect to the System¹² is assessed the following Trading Permit Fees each month: (i) If its volume falls within the parameters of Tier 1 of the

Non-Transaction Fees Volume-Based Tiers, or volume up to 0.30%, \$250, (ii) if its volume falls within the parameters of Tier 2 of the Non-Transaction Fees Volume-Based Tiers, or volume above 0.30% up to 0.60%, \$350, and (iii) if its volume falls with the parameters of Tier 3 of the Non-Transaction Fees Volume-Based Tiers, or volume above 0.60%, \$450.

Each Member who uses the MEO Interface to connect to the System is assessed the following Trading Permit Fees each month: (i) If its volume falls within the parameters of Tier 1 of the Non-Transaction Fees Volume-Based Tiers, or volume up to 0.30%, \$300, (ii) if its volume falls within the parameters of Tier 2 of the Non-Transaction Fees Volume-Based Tiers, or volume above 0.30% up to 0.60%, \$400, and (iii) if its volume falls with the parameters of Tier 3 of the Non-Transaction Fees Volume-Based Tiers, or volume above 0.60%, \$500. Members who use the MEO Interface may also connect to the System through the FIX Interface as well, and vice versa. Members who use the MEO Interface and who also use the FIX Interface are assessed the rates for both types of Trading Permits set forth above and receive a \$100 monthly credit towards the Trading Permit Fees applicable to such Member for MEO Interface use.

Members that solely clear transactions on the Exchange do not connect to the Exchange, as such a connection is not required to perform that clearing-only activity. Therefore, at present, Members that are EEM Clearing Firms are not assessed a monthly Trading Permit Fee. However, those Members are still utilizing the services of the Exchange, by performing that clearing-only activity. Accordingly, the Exchange is proposing to adopt a monthly Trading Permit Fee applicable to those types of Members, which the Exchange is proposing to define each as an “EEM Clearing Firm.” In particular, the Exchange proposes to assess a monthly Trading Permit Fee of \$250 to such EEM Clearing Firms, in order to cover the operational and administrative costs of such EEMs using the Exchange’s System to perform clearing-only services. Such monthly Trading Permit Fees will be assessed with respect to EEM Clearing Firms in any month the EEM Clearing Firm is certified in the membership system to clear transactions on the Exchange.

The Exchange’s affiliate, Miami International Securities Exchange, LLC (“MIAX Options”), also assesses a monthly trading permit fee, in the amount of \$1,500 per month, to its

members who are clearing firms¹³ that are performing the same activity.

The proposed rule changes will become operative May 1, 2018.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁴ in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁵ in particular, in that it is an equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

Definition

The Exchange believes that the proposed new definition “EEM Clearing Firm” is consistent with Section 6(b)(4) of the Act in that it is fair, equitable and not unreasonably discriminatory and should improve market quality for the Exchange’s market participants. The definition applies equally to all EEMs who perform clearing-only services on the Exchange and is intended to add transparency to the Exchange’s marketplace by clarifying how the Exchange determines these EEMs from other Members in order to assess the applicable fee.

The Exchange believes that the proposed new definition “EEM Clearing Firm” is consistent with Section 6(5) of the Act in that it promotes just and equitable principles of trade for all market participants. The Exchange believes that by defining EEM Clearing Firms the Exchange is able to assess such firms a Trading Permit Fee since they use the Exchange’s System to perform clearing-only services.

Monthly EEM Clearing Firm Trading Permit Fee

The Exchange believes that the assessment of a Trading Permit Fee to EEM Clearing Firms is reasonable, equitable, and not unfairly discriminatory. The assessment of

markets in options contracts traded on the Exchange. See Exchange Rule 100.

⁹ “Affiliate” means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An “Appointed Market Maker” is a MIAX PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an “Appointed EEM” is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Market Maker, pursuant to the process described in the Fee Schedule. See the Definitions Section of the Fee Schedule.

¹⁰ “Excluded Contracts” means any contracts routed to an away market for execution. See the Definitions Section of the Fee Schedule.

¹¹ “TCV” means total consolidated volume calculated as the total national volume in those classes listed on MIAX PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an “Exchange System Disruption” (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange notes that the term “Exchange System Disruption” and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. See the Definitions Section of the Fee Schedule.

¹² The term “System” means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

¹³ See MIAX Options Fee Schedule Section 3(b). The Commission notes that members on MIAX Options who perform clearing-only services are assessed a monthly trading permit fee of \$1,500.

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(4) and (5).

Trading Permit Fees to Clearing Firms is done by the Exchange's affiliate, MIAX Options, as described in the Purpose section above. The Exchange also believes that the proposed fee is fair and equitable and not unreasonably discriminatory because all similarly situated EEM Clearing Firms are subject to the same fee, and access to the Exchange is offered on terms that are not unfairly discriminatory.

The Exchange believes that the proposed EEM Clearing Firm Trading Permit Fee is consistent with Section 6(b)(5) of the Act in that it promotes equitable principles of trade for all market participants. The Exchange believes that assessing such firms a Trading Permit Fee is reasonable since such firms are utilizing the Exchange's System to perform clearing-only services. Furthermore, assessing EEM Clearing Firms a Trading Permit Fee is fair and equitable since it permits the Exchange to recoup the operational and administrative costs that the Exchange does incur as a result of such firms utilizing the Exchange's System.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX PEARL does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the assessment by the Exchange of Trading Permit Fees to EEM Clearing Firms using its facilities will not have an impact on competition. As a more recent entrant in the already highly competitive environment for equity options trading, MIAX PEARL does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Act. The Exchange believes that the proposed EEM Clearing Firm Trading Permit Fee would increase both intermarket and intramarket competition by encouraging clearing firms to provide clearing services to Members of the Exchange. MIAX PEARL's proposed EEM Clearing Firm Trading Permit Fee is similar to the fee assessed by its affiliate, MIAX Options, to its Clearing Firms but is much lower than that assessed by MIAX Options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,¹⁶ and Rule 19b-4(f)(2)¹⁷ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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-PEARL-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-PEARL-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-PEARL-2018-12 and should be submitted on or before June 4, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-10141 Filed 5-11-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-095, OMB Control No. 3235-0084]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Extension:

Rule 17Ac2-1

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 17Ac2-1 (17 CFR 240.17Ac2-1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ac2-1, pursuant to Section 17A(c) of the Exchange Act, generally requires transfer agents for whom the Commission is the transfer agent's Appropriate Regulatory Agency ("ARA"), to file an application for registration with the Commission on Form TA-1 and to amend their registrations under certain circumstances.

Specifically, Rule 17Ac2-1 requires transfer agents to file a Form TA-1

¹⁶ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁷ 17 CFR 240.19b-4(f)(2).

¹⁸ 17 CFR 200.30-3(a)(12).

application for registration with the Commission where the Commission is their ARA. Such transfer agents must also amend their Form TA-1 if the existing information on their Form TA-1 becomes inaccurate, misleading, or incomplete within 60 days following the date the information became inaccurate, misleading or incomplete. Registration filings on Form TA-1 and amendments thereto must be filed with the Commission electronically, absent an exemption, on EDGAR pursuant to Regulation S-T (17 CFR 232).

The Commission annually receives approximately 186 filings on Form TA-1 from transfer agents required to register as such with the Commission. Included in this figure are approximately 178 amendments made annually by transfer agents to their Form TA-1 as required by Rule 17Ac2-1(c) to address information that has become inaccurate, misleading, or incomplete and approximately 8 new applications by transfer agents for registration on Form TA-1 as required by Rule 17Ac2-1(a). Based on past submissions, the staff estimates that on average approximately twelve hours are required for initial completion of Form TA-1 and that on average one and one-half hours are required for an amendment to Form TA-1 by each such firm. Thus, the subtotal burden for new applications for registration filed on Form TA-1 each year is 96 hours (12 hours times 8 filers) and the subtotal burden for amendments to Form TA-1 filed each year is 267 hours (1.5 hours times 178 filers). The cumulative total is 363 burden hours per year (96 hours plus 267 hours).

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.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or by sending an email to:

PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 8, 2018.
Eduardo A. Aleman,
Assistant Secretary.
 [FR Doc. 2018-10144 Filed 5-11-18; 8:45 am]
BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83187; File No. SR-CboeBZX-2018-032]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Continue Listing and Trading Shares of the Cambria Sovereign Bond ETF

May 8, 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 May 1, 2018, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) 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 filed a proposal to amend a representation made in a proposed rule change previously filed with the Commission pursuant to Rule 19b-4 relating to the Cambria Sovereign Bond ETF (the “Fund”) (f/k/a Cambria Sovereign High Yield Bond ETF).

The text of the proposed rule change is available at the Exchange’s website at www.markets.cboe.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of

the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The shares of the Fund (the “Shares”) are listed and traded on the Exchange under Rule 14.11(i), which governs the listing and trading of Managed Fund Shares, pursuant to an immediately effective rule filing.³ The Fund is a series of the Cambria ETF Trust (the “Trust”), which is organized as a Delaware statutory trust and is registered with the Commission as an open-end management investment company.⁴

In this proposed rule change, the Exchange proposes to amend a representation made in the Prior Notice relating to changes to the investment strategy of the Fund, as described below.⁵ The Prior Notice (and the Arca Approval Order) contains the following representation regarding the holdings of the Fund: “under normal market

³ See Securities Exchange Act Release No. 79618 (December 20, 2016), 81 FR 95252 (December 27, 2016) (SR-BatsBZX-2016-88) (the “Prior Notice”). The Exchange notes that the Commission previously approved a proposal to list and trade the Shares on NYSE Arca, Inc. See Securities Exchange Act Release No. 75540 (July 28, 2015), 80 FR 46359 (August 4, 2015) (SR-NYSEArca-2015-50) (the “Arca Approval Order”).

⁴ See Registration Statement on Form N-1A for the Trust, dated September 30, 2015 (File Nos. 333-180879 and 811-22704) (the “Registration Statement”). The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a-1) (“1940 Act”) (the “Exemptive Order”). See Investment Company Act Release No. 30340 (January 4, 2013) (File No. 812-13959). The Trust also submitted to the Commission a “Supplement dated January 20, 2017 to the Summary Prospectus, Statutory Prospectus (collectively, the “Prospectuses”) and Statement of Additional Information (“SAI”) dated September 1, 2016, as each may be amended or supplemented” (the “January 20 Supplement”) outlining the proposed change to the investment strategy as well as a “Supplement dated August 24, 2017 to the Summary Prospectus, Statutory Prospectus (collectively, the “Prospectuses”) and Statement of Additional Information (“SAI”) dated September 1, 2016, as each may be amended or supplemented” in order to provide notice that the investment strategy change had been replaced as described in the January 20 Supplement. See https://www.sec.gov/Archives/edgar/data/1529390/000139834417000671/fp0023454_497.htm and https://www.sec.gov/Archives/edgar/data/1529390/000139834417010795/fp0027628_497.htm, respectively.

⁵ The Exchange notes that while a change was made to the principal investment strategy, there were no changes to the Fund’s investment objective, the method or methods used to select the Fund’s portfolio investments, or the Fund’s fees and expenses.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

conditions,⁶ at least 80% of the value of the Fund's net assets (plus borrowings for investment purposes) will be invested in sovereign and quasi-sovereign high yield bonds (commonly known as "junk bonds").⁷ Based on the changes to the Fund's investment strategy outlined in the January 20 Supplement, the Exchange is proposing to change this representation such that it is consistent with the new investment strategy. The Exchange proposes that the sentence would instead read "under normal market conditions,⁸ at least 80% of the value of the Fund's net assets (plus borrowings for investment purposes) will be invested in sovereign and quasi-sovereign bonds."

Practically speaking, while the Fund is currently required to hold at least 80% of its net assets in high yield (*i.e.* lower credit quality) sovereign and quasi-sovereign bonds, this proposed change will additionally allow the Fund to hold investment grade (*i.e.* higher credit quality) sovereign and quasi-sovereign bonds, thereby increasing the credit quality of the Fund's holdings in sovereign and quasi-sovereign bonds. As noted above, the investment objective of the Fund will remain unchanged. All other statements and representations made in the Prior Notice regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference assets and intraday indicative values, and the applicability of Exchange listing rules specified in the Prior Notice remain true and shall continue to constitute continued listing requirements for the

Fund. Additionally, the change proposed above will constitute a continued listing requirement for the Fund.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act⁹ in general and Section 6(b)(5) of the Act¹⁰ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

As described above, all of the representations from the Prior Notice which formed the basis for the Prior Notice becoming immediately effective remain true and will continue to constitute continued listing requirements for the Fund with the exception of the single representation that the Exchange is proposing to amend. This proposed change will not make any changes to the types of instruments that the Fund can hold, but will allow the Fund to hold those instruments when they are issued by more creditworthy issuers. As such, the Exchange believes that the proposal does not raise any substantive issues that were not previously addressed in the Prior Notice and Arca Approval Order. As proposed, the Fund would be able to continue to hold the same lower credit quality sovereign and quasi-sovereign bonds and the only additional investments that would become available to the Fund would be investment grade sovereign and quasi-sovereign bonds.

As such, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest because there are no substantive issues raised by this proposal that were not otherwise

addressed by the Prior Notice and the Arca Approval Order.

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 purpose of the Act. The Exchange believes that the proposal to allow the Fund to amend its investment strategy will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (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 Act¹¹ and Rule 19b-4(f)(6) thereunder.¹²

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹³ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹⁴ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay to allow the Fund to immediately improve the credit quality of its bond portfolio while complying with the applicable continued listing representations. The Exchange does not believe that there is any reason for delay when the change is only designed to allow the Fund to hold higher credit quality versions of instruments that it is already allowed to hold. The

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 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.

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 17 CFR 240.19b-4(f)(6)(iii).

⁶ The term "under normal market conditions" includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

⁷ Sovereign and quasi-sovereign bonds include securities issued or guaranteed by foreign governments (including political subdivisions) or their authorities, agencies, or instrumentalities or by supra-national agencies. Supra-national agencies are agencies whose member nations make capital contributions to support the agencies' activities. Examples include the International Bank for Reconstruction and Development (the World Bank), the Asian Development Bank, the European Coal and Steel Community, and the Inter-American Development Bank.

⁸ The term "under normal market conditions" includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

⁹ 15 U.S.C. 78f.

¹⁰ 15 U.S.C. 78f(b)(5).

Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.¹⁵

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 change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number CboeBZX-2018-032 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 CboeBZX-2018-032. 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 CboeBZX-2018-032 and should be submitted on or before June 4, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-10140 Filed 5-11-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-541, OMB Control No. 3235-0620]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:

Rule 22c-2.

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 (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 22c-2 (17 CFR 270.22c-2) under the Investment Company Act of 1940 (15 U.S.C. 80a) (the "Investment Company Act" or "Act") requires the board of directors (including a majority of independent directors) of most registered open-end investment companies ("funds") to either approve a redemption fee of up to two percent or determine that imposition of a redemption fee is not necessary or appropriate for the fund. Rule 22c-2

also requires a fund to enter into written agreements with their financial intermediaries (such as broker-dealers and retirement plan administrators) under which the fund, upon request, can obtain certain shareholder identity and trading information from the intermediaries. The written agreement must also allow the fund to direct the intermediary to prohibit further purchases or exchanges by specific shareholders that the fund has identified as being engaged in transactions that violate the fund's market timing policies. These requirements enable funds to obtain the information that they need to monitor the frequency of short-term trading in omnibus accounts and enforce their market timing policies.

The rule includes three "collections of information" within the meaning of the Paperwork Reduction Act of 1995 ("PRA").¹ First, the rule requires boards to either approve a redemption fee of up to two percent or determine that imposition of a redemption fee is not necessary or appropriate for the fund. Second, funds must enter into information sharing agreements with all of their "financial intermediaries"² and maintain a copy of the written information sharing agreement with each intermediary in an easily accessible place for six years. Third, pursuant to the information sharing agreements, funds must have systems that enable them to request frequent trading information upon demand from their intermediaries, and to enforce any restrictions on trading required by funds under the rule.

The collections of information created by rule 22c-2 are necessary for funds to effectively assess redemption fees, enforce their policies in frequent trading, and monitor short-term trading, including market timing, in omnibus accounts. These collections of information are mandatory for funds that redeem shares within seven days of purchase. The collections of information

¹ 44 U.S.C. 3501-3520.

² The rule defines a Financial Intermediary as: (i) Any broker, dealer, bank, or other person that holds securities issued by the fund in nominee name; (ii) a unit investment trust or fund that invests in the fund in reliance on section 12(d)(1)(E) of the Act; and (iii) in the case of a participant directed employee benefit plan that owns the securities issued by the fund, a retirement plan's administrator under section 316(A) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1002(16)(A)) or any person that maintains the plans' participant records. Financial Intermediary does not include any person that the fund treats as an individual investor with respect to the fund's policies established for the purpose of eliminating or reducing any dilution of the value of the outstanding securities issued by the fund. Rule 22c-2(c)(1).

¹⁵ 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).

¹⁶ 17 CFR 200.30-3(a)(12).

also are necessary to allow Commission staff to fulfill its examination and oversight responsibilities.

Rule 22c-2(a)(1) requires the board of directors of all registered open-end management investment companies and series thereof (except for money market funds, ETFs, or funds that affirmatively permit short-term trading of its securities) to approve a redemption fee for the fund, or instead make a determination that a redemption fee is either not necessary or appropriate for the fund. Commission staff understands that the boards of all funds currently in operation have undertaken this process for the funds they currently oversee, and the rule does not require boards to review this determination periodically once it has been made. Accordingly, we expect that only boards of newly registered funds or newly created series thereof would undertake this determination. Commission staff estimates that 42 funds (excluding money market funds and ETFs) are newly formed each year and would need to make this determination.³

Based on conversations with fund representatives,⁴ Commission staff estimates that it takes 2 hours of the board's time as a whole (at a rate of \$4465 per hour)⁵ to approve a redemption fee or make the required determination on behalf of all series of the fund. In addition, Commission staff estimates that it takes compliance personnel of the fund 8 hours (at a rate of \$66 per hour)⁶ to prepare trading, compliance, and other information regarding the fund's operations to enable the board to make its determination, and takes internal compliance counsel of the fund 3 hours (at a rate of \$345 per hour)⁷ to review this information and present its

recommendations to the board. Therefore, for each fund board that undertakes this determination process, Commission staff estimates it expends 13 hours⁸ at a cost of \$10,493.⁹ As a result, Commission staff estimates that the total time spent for all funds on this process is 546 hours at a cost of \$440,706.¹⁰

Rule 22c-2(a)(2) also requires a fund to enter into information-sharing agreements with each of its financial intermediaries. Commission staff understands that all currently registered funds have already entered into such agreements with their intermediaries. Funds enter into new relationships with intermediaries from time to time, however, which requires them to enter into new information sharing agreements. Commission staff understands that, in general, funds enter into information-sharing agreement when they initially establish a relationship with an intermediary, which is typically executed as an addendum to the distribution agreement. The Commission staff understands that most shareholder information agreements are entered into by the fund group (a group of funds with a common investment adviser), and estimates that there are currently 850 currently active fund groups.¹¹ Commission staff estimates that, on average, each active fund group enters into relationships with 3 new intermediaries each year. Commission staff understands that funds generally use a standard information sharing agreement, drafted by the fund or an outside entity, and modifies that agreement according to the requirements of each intermediary. Commission staff estimates that negotiating the terms and entering into an information sharing agreement takes a total of 4 hours of attorney time (at a rate of \$392 per hour)¹² per intermediary (representing 2.5 hours of

fund attorney time and 1.5 hours of intermediary attorney time). Accordingly, Commission staff estimates that it takes 12 hours at a cost of \$4704 each year¹³ to enter into new information sharing agreements, and all existing market participants incur a total of 10,200 hours at a cost of \$3,998,400.¹⁴

In addition, newly created funds advised by new entrants (effectively new fund groups) must enter into information sharing agreements with all of their financial intermediaries. Commission staff estimates that there are 47 new fund groups that form each year that will have to enter into information sharing agreements with each of their intermediaries.¹⁵ Commission staff estimates that fund groups formed by new advisers typically have relationships with significantly fewer intermediaries than existing fund groups, and estimates that new fund groups will typically enter into 100 information sharing agreements with their intermediaries when they begin operations.¹⁶ As discussed previously, Commission staff estimates that it takes 4 hours of attorney time (at a rate of \$392 per hour)¹⁷ per intermediary to enter into information sharing agreements. Therefore, Commission staff estimates that each newly formed fund group will incur 400 hours of attorney time at a cost of \$156,800¹⁸ and that all newly formed fund groups will incur a total of 18,800 hours at a cost of \$7,369,600 to enter into information sharing agreements with their intermediaries.¹⁹

Rule 22c-2(a)(3) requires funds to maintain records of all information-sharing agreements for 6 years in an easily accessible place. Commission staff understands that most shareholder

³ This estimate is based on the number of registrants filing initial Form N-1A or N-3. This estimate does not carve out money market funds, ETFs, or funds that affirmatively permit short-term trading of their securities, so this estimate corresponds to the outer limit of the number of registrants that would have to make this determination.

⁴ Unless otherwise stated, estimates throughout this analysis are derived from a survey of funds and conversations with fund representatives.

⁵ The estimate of \$4465 per hour for the board's time as a whole is based on conversations with representatives of funds and their legal counsel.

⁶ The \$66 per hour figure for a compliance clerk is from SIFMA's *Office Salaries in the Securities Industry 2013*, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

⁷ The \$345 per hour figure for internal compliance counsel is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

⁸ This calculation is based on the following estimates: (2 hours of board time + 3 hours of internal compliance counsel time + 8 hours of compliance clerk time = 13 hours).

⁹ This calculation is based on the following estimates: (\$8930 (\$4465 board time × 2 hours = \$8930) + \$528 (\$66 compliance time × 8 hours = \$528) + \$1035 (\$345 attorney time × 3 hours = \$1035) = \$10,493).

¹⁰ This calculation is based on the following estimates: (13 hours × 42 funds = 546 hours); (\$10,493 × 42 funds = \$440,706).

¹¹ ICI, 2017 Investment Company Fact Book at Fig 1.8 (2017) (<https://www.ici.org/research/stats/factbook>).

¹² The \$392 per hour figure for attorneys is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

¹³ This estimate is based on the following calculations: (4 hours × 3 new intermediaries = 12 hours); (12 hours × \$392 = \$4704).

¹⁴ This estimate is based on the following calculations: (12 hours × 850 fund groups = 10,200 hours); (10,200 hours × \$392 = \$3,998,400).

¹⁵ ICI, 2017 Investment Company Fact Book at Fig 1.8 (2017) (<https://www.ici.org/research/stats/factbook>).

¹⁶ Commission staff understands that funds generally use a standard information sharing agreement, drafted by the fund or an outside entity, and then modifies that agreement according to the requirements of each intermediary.

¹⁷ The \$392 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

¹⁸ This estimate is based on the following calculations: (4 hours × 100 intermediaries = 400 hours); (400 hours × \$392 = \$156,800).

¹⁹ This estimate is based on the following calculations: (47 fund groups × 400 hours = 18,800 hours) (\$392 × 18,800 = 7,369,600).

information agreements are stored at the fund group level and estimates that there are currently approximately 850 fund groups.²⁰ Commission staff understands that information-sharing agreements are generally included as addendums to distribution agreements between funds and their intermediaries, and that these agreements would be stored as required by the rule as a matter of ordinary business practice. Therefore, Commission staff estimates that maintaining records of information-sharing agreements requires 10 minutes of time spent by a general clerk (at a rate of \$59 per hour)²¹ per fund, each year. Accordingly, Commission staff estimates that all funds will incur 141.67 hours at a cost of \$8358.53²² in complying with the recordkeeping requirement of rule 22c-2(a)(3).

Therefore, Commission staff estimates that to comply with the information sharing agreement requirements of rule 22c-2(a)(2) and (3), it requires a total of 29,141.67 hours at a cost of \$11,403,358.53.²³

The Commission staff estimates that on average, each fund group requests shareholder information once a week, and gives instructions regarding the restriction of shareholder trades every day, for a total of 417 responses related to information sharing systems per fund group each year, and a total 354,450 responses for all fund groups annually.²⁴ In addition, as described above, the staff estimates that funds make 42 responses related to board determinations, 2550 responses related to new intermediaries of existing fund groups, 4700 responses related to new fund group information sharing agreements, and 850 responses related to recordkeeping, for a total of 8142 responses related to the other requirements of rule 22c-2. Therefore, the Commission staff estimates that the total number of responses is 362,592 (354,450 + 8142 = 362,592).

²⁰ICI, 2017 Investment Company Fact Book at Fig 1.8 (2017) (<https://www.ici.org/research/stats/factbook>).

²¹The \$59 per hour figure for a general clerk is derived from SIFMA's Office Salaries in the Securities Industry 2013 modified to account for an 1800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits, and overhead.

²²This estimate is based on the following calculations: (10 minutes × 850 fund groups = 8500 minutes); (8500 minutes/60 = 141.67 hours); (141.67 hours × \$59 = \$8358.53).

²³This estimate is based on the following calculations: (10,200 hours + 18,800 hours + 141.67 hours = 29,141.67 hours); (\$3,998,400 + \$7,369,600 + \$8358.53 = \$11,403,358.53).

²⁴This estimate is based on the following calculations: (52 + 365 = 417); (417 × 850 fund groups = 354,450).

The Commission staff estimates that the total hour burden for rule 22c-2 is 29,687.67 hours at a cost of \$11,817,056.50.²⁵ Responses provided to the Commission will be accorded the same level of confidentiality accorded to other responses provided to the Commission in the context of its examination and oversight program. Responses provided in the context of the Commission's examination and oversight program are generally kept confidential. Complying with the information collections of rule 22c-2 is mandatory for funds that redeem their shares within 7 days of purchase. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) 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. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 8, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-10146 Filed 5-11-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-141, OMB Control No. 3235-0249]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:
Rule 12f-3

²⁵This estimate is based on the following calculations: (546 hours (board determination) + 29,141.67 hours (information sharing agreements) = 29,687.67 total hours); (\$440,706 (board determination) + \$11,376,350.53 (information sharing agreements) = \$11,817,056.50).

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 12f-3 (17 CFR 240.12f-3), under the Securities Exchange Act of 1934 ("Act") (15 U.S.C. 78a *et seq.*).

Rule 12f-3 ("Rule"), which was originally adopted in 1955 pursuant to Sections 12(f) and 23(a) of the Act, and as further modified in 1995, sets forth the requirements to submit an application to the Commission for termination or suspension of unlisted trading privileges in a security, as contemplated under Section 12(f)(4) of the Act. In addition to requiring that one copy of the application be filed with the Commission, the Rule requires that the application contain specified information. Under the Rule, an application to suspend or terminate unlisted trading privileges must provide, among other things, the name of the applicant; a brief statement of the applicant's interest in the question of termination or suspension of such unlisted trading privileges; the title of the security; the name of the issuer; certain information regarding the size of the class of security, the public trading volume and price history in the security for specified time periods on the subject exchange and a statement indicating that the applicant has provided a copy of such application to the exchange from which the suspension or termination of unlisted trading privileges are sought, and to any other exchange on which the security is listed or admitted to unlisted trading privileges.

The information required to be included in applications submitted pursuant to Rule 12f-3, is intended to provide the Commission with sufficient information to make the necessary findings under the Act to terminate or suspend by order the unlisted trading privileges granted a security on a national securities exchange. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

The burden of complying with Rule 12f-3 arises when a potential respondent, having a demonstrable bona fide interest in the question of termination or suspension of the unlisted trading privileges of a security, determines to seek such termination or suspension. The staff estimates that each such application to terminate or suspend unlisted trading privileges

requires approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as 18 responses annually for an aggregate burden for all respondents of 18 hours. Each respondent's related internal cost of compliance for Rule 12f-3 would be \$221.00, or, the cost of one hour of professional work of a paralegal needed to complete the application. The total annual cost of compliance for all potential respondents, therefore, is \$3,978.00 (18 responses × \$221.00/response).

Compliance with the application requirements of Rule 12f-3 is mandatory, though the filing of such applications is undertaken voluntarily. Rule 12f-3 does not have a record retention requirement *per se*. However, responses made pursuant to Rule 12f-3 are subject to the recordkeeping requirements of Rules 17a-3 and 17a-4 of the Act. Information received in response to Rule 12f-3 shall not be kept confidential; the information collected is public information.

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.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: ShaguftaAhmed@omb.eop.gov; and (ii) 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. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 8, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-10147 Filed 5-11-18; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2014-0016]

Rescission of Social Security Ruling 05-02; Titles II and XVI: Determination of Substantial Gainful Activity if Substantial Work Activity Is Discontinued or Reduced—Unsuccessful Work Attempt

AGENCY: Social Security Administration.

ACTION: Notice of rescission of Social Security Ruling 05-02.

SUMMARY: The Office of the Commissioner gives notice of the rescission of Social Security Ruling (SSR) 05-02.

DATES: This rescission is effective May 14, 2018.

FOR FURTHER INFORMATION CONTACT:

Kristine Erwin-Tribbitt, Office of Retirement and Disability Policy, Office of Research, Demonstration, and Employment Support, Social Security Administration, 6401 Security Boulevard, Robert Ball Building 3-A-26, Baltimore, MD 21235-6401, (410) 965-3353. For information on eligibility or filing for benefits, call our national toll-free number 1-800-772-1213, or TTY 1-800-325-0778, or visit our internet site, Social Security online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION: Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and special veterans benefits programs. We may base SSRs on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of General Counsel, or other interpretations of the law and regulations.

On February 28, 2005, we published SSR 05-02, which provides guidance about determining whether substantial work activity that is discontinued or reduced below a specified level may be considered an unsuccessful work attempt (UWA) under the disability provisions of the law. SSR 05-02 explains the policies and procedures for evaluating a work effort of 3 months or less and work efforts between 3 and 6 months.

On October 17, 2016, we published final rules, Unsuccessful Work Attempts and Expedited Reinstatement Eligibility, in the **Federal Register** at 81 FR 71367. These rules, among other things, removed some of the requirements for evaluation of an UWA that lasts between 3 and 6 months. Specifically,

the rules removed the additional conditions that we used when we evaluated a work attempt in employment or self-employment that lasted between 3 and 6 months and provided that we now use one standard for work attempts lasting 6 months or less.

Due to these final rules and the resulting simplification of our policies, SSR 05-02 is no longer correct. The final rules at 20 CFR 404.1574(c), 404.1575(d), 416.974(c), 416.975(d) (unsuccessful work attempts) were effective November 16, 2016. Consequently, we are rescinding SSR 05-02 as obsolete. Notice of this rescission is published in accordance with 20 CFR 402.35(b)(1).

(Catalog of Federal Domestic Assistance Programs Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006—Supplemental Security Income)

Nancy Berryhill,

Acting Commissioner of Social Security.

[FR Doc. 2018-10249 Filed 5-11-18; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2018-48]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 4, 2018.

ADDRESSES: Send comments identified by docket number FAA-2017-0613 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

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

- *Hand Delivery or Courier*: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax*: Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–673, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone 206–231–3187, email deana.stedman@faa.gov; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email Alphonso.Pendergrass@faa.gov. This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on May 8, 2018.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2017–0613.

Petitioner: The Boeing Company.

Section(s) of 14 CFR Affected:

§ 25.807(g)(7).

Description of Relief Sought: The Boeing Company requests that the FAA amend some of the conditions and operating limitations of Exemption No. 17768.

[FR Doc. 2018–10167 Filed 5–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 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 May 7, 2018, OFAC determined that the property and interests in property of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. DEL NOGAL MARQUEZ, Walter Alexander, Miranda, Venezuela; Edificio Poli centro, Piso 4, Of. 3, Panama, Panama; DOB 02 Oct 1969; citizen Venezuela; Gender Male; Cedula No. 9965580 (Venezuela); Passport C1940147 (Venezuela) (individual) [SDNTK] (Linked To: DEL BROS OVERSEAS, S.A.; Linked To: DMI TRADING INC.; Linked To: FINANCIAL CORPORATION FINCORP, C.A.; Linked To: FINANCIAL CORPORATION (FINCORP INTERNATIONAL), S.A.; Linked To: VIC DEL INC. (OFF

SHORE)). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of MARTIN OLIVARES.

2. MARTIN OLIVARES, Pedro Luis, Av. Francisco de Miranda, Edif Saule, Piso 7, APTO 72., Chacao, Miranda, Venezuela; DOB 18 Apr 1967; POB Caracas, Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 6252562 (Venezuela); Passport 057530115 (Venezuela) (individual) [SDNTK] (Linked To: D2 IMAGINEERING, C.A.; Linked To: GRUPO CONTROL 2004, C.A.; Linked To: GRUPO CONTROL SYSTEM 2004, C.A.; Linked To: INMUEBLES Y DESARROLLOS WEST POINT, C.A.; Linked To: INVERSIONES PMA 243, C.A.; Linked To: MATSUNICHI OIL TRAEADEZ 12, C.A.; Linked To: MATSUNICHI OIL TRADER, C.A.; Linked To: PLM CONSORCIO, C.A.; Linked To: PLM CONSULTORES, C.A.; Linked To: P.L.M. GROUP SOCIEDAD DE CORRETAJE DE VALORES, C.A.; Linked To: PLM SECURITY CONTROL GROUP, C.A.; Linked To: P L M SOCIEDAD DE CORRETAJE, C.A.; Linked To: PLM TRANSPORTE, C.A.; Linked To: TECHNO TRANSPORTE ML, C.A.). Identified pursuant to section 805(b)(1) of the Kingpin Act, 21 U.S.C. 1904(b)(1), as a significant foreign narcotics trafficker.

3. RODRIGUEZ ESPINOZA, Mario Antonio (a.k.a. RODRIGUEZ EZPINOZA, Mario Antonio), Miranda, Venezuela; DOB 16 Feb 1966; citizen Venezuela; Gender Male; Cedula No. 6859414 (Venezuela) (individual) [SDNTK] (Linked To: INVERSIONES MALAMAR R, C.A.). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of MARTIN OLIVARES.

Entities

1. 1. D2 IMAGINEERING, C.A., Av. Francisco de Miranda, Edif. Saule, piso 7, Ofic. 72, Chacao, Caracas, Venezuela; RIF # J–29766946–9 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

2. DEL BROS OVERSEAS, S.A., Calle 73, Edificio Mirador, Piso 8, Of. A, San Francisco, Panama, Panama; RUC #

1182190–1–578348 (Panama); Folio Mercantil No. 578348 (Panama) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, DEL NOGAL MARQUEZ.

3. DMI TRADING INC., Av. Cuba y Calle 30 Edificio Policentro, Piso 4, Of. 3, Panama, Panama; RUC # 1794418–1–704269 (Panama); Folio Mercantil No. 704269 (Panama) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, DEL NOGAL MARQUEZ.

4. FINANCIAL CORPORATION (FINCORP INTERNATIONAL), S.A., Panama City, Panama; RUC #1182193–1–578349 (Panama); Folio Mercantil No. 578349 (Panama) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, DEL NOGAL MARQUEZ.

5. FINANCIAL CORPORATION FINCORP, C.A., Cto. Ciudad Comercial Tamanaco, Torre A, piso 3, Ofic. 308, Urb. Chuao, Caracas, Venezuela; RIF #J–31118020–6 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, DEL NOGAL MARQUEZ.

6. GRUPO CONTROL 2004, C.A., Av. Fco. Solano, con Calle Acueducto, Edif. Torre Banvenez, piso 9, Ofic. C y D, Sabana Grande, Caracas, Venezuela; RIF #J–31153379–6 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

7. GRUPO CONTROL SYSTEM 2004, C.A., Av. Francisco de Miranda, Centro Lido, Torre A, piso 10, Of. 10–02, Urb. El Rosal, Caracas, Venezuela; RIF #J–29469218–4 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

8. INMUEBLES Y DESARROLLOS WEST POINT, C.A. (f.k.a. PLM INMOBILIARIA C.A.), Av. Principal de Los Ruices, Edif. El Doral, piso 6, Ofic. 62, Urb. Los Ruices, Caracas, Venezuela; RIF #J–31242224–6 (Venezuela)

[SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

9. INVERSIONES MALAMAR R, C.A., Av. Intercomunal El Valle, Resid. Radio Caracas, Edif. Canaima, piso 9, Apto. 905, El Valle, Caracas, Venezuela; RIF #J–31267002–9 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, RODRIGUEZ ESPINOZA.

10. INVERSIONES PMA 243, C.A., Calle Argentina, entre 3a y 4a Avenida, Casa No 86, Catia, Caracas, Venezuela; RIF #J–30835786–3 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

11. MATSUNICHI OIL TRADER, C.A., Calle La Guairita con Calle Amazonas, Cto. Profesional Eurobuilding, piso 4, Ofic. 48, Urb. Chuao, Caracas, Venezuela; RIF #J–29812490–3 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

12. MATSUNICHI OIL TRAEADEZ 12, C.A., Calle La Guairita con Calle Amazonas, Cto. Profesional Eurobuilding, piso 4, Ofic. BB, Urb. Chuao, Caracas, Venezuela; RIF #J–29732037–7 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

13. P L M SOCIEDAD DE CORRETAJE, C.A., Caracas, Venezuela; RIF #J–30877708–0 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

14. P.L.M. GROUP SOCIEDAD DE CORRETAJE DE VALORES, C.A., Caracas, Venezuela; RIF #J–31254454–6 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

15. PLM CONSORCIO, C.A., Av. Francisco de Miranda, Edif. Saule, piso

7, Ofic. 72, Chacao, Caracas, Venezuela; RIF #J–31241977–6 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

16. PLM CONSULTORES, C.A., Av. Francisco de Miranda, Centro Lido, Torre B, piso 10, Ofic. 102–B, El Rosal, Caracas, Venezuela; RIF #J–31241965–2 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

17. PLM SECURITY CONTROL GROUP, C.A., Caracas, Venezuela; RIF #J–31403007–8 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

18. PLM TRANSPORTE, C.A., Av. Caurimare, Edif. San Antonio de Padua, piso 2, Apto. 4, Urb. Colinas de Bello Monte, Caracas, Venezuela; RIF #J–31242244–0 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

19. TECHNO TRANSPORTE ML, C.A., Av. Humboldt, Quinta San Jose, Local 23, Urb. Bello Monte, Caracas, Venezuela; RIF #J–29732032–6 (Venezuela) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, MARTIN OLIVARES.

20. VIC DEL INC. (OFF SHORE), Aquilino de la Guardia, PH Plaza Banco General, Piso 20, Of. 20A, Panama, Panama; RUC #1794835–1–704338 (Panama); Folio Mercantil No. 704338 (Panama) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, DEL NOGAL MARQUEZ.

Dated: May 7, 2018.

Andrea M. Gacki,
Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–10142 Filed 5–11–18; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of Treasury

Office of the Comptroller of the Currency

Federal Reserve System

Federal Deposit Insurance Corporation

12 CFR Parts 1, 3, 5, et al.

Regulatory Capital Rules: Implementation and Transition of the Current Expected Credit Losses Methodology for Allowances and Related Adjustments to the Regulatory Capital Rules and Conforming Amendments to Other Regulations; Proposed Rules

DEPARTMENT OF TREASURY**Office of the Comptroller of the Currency****12 CFR Parts 1, 3, 5, 23, 24, 32, 34, and 46**

[Docket ID OCC–2018–0009]

RIN 1557–AE32

FEDERAL RESERVE SYSTEM**12 CFR Parts 208, 211, 215, 217, 223, 225, and 252**

[Regulation Q; Docket No. R–1605]

RIN 7100–AF04

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Parts 324, 325, 327, 347, and 390**

RIN 3064–AE74

Regulatory Capital Rules: Implementation and Transition of the Current Expected Credit Losses Methodology for Allowances and Related Adjustments to the Regulatory Capital Rules and Conforming Amendments to Other Regulations

AGENCY: Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, the agencies) are inviting public comment on a joint proposal to address changes to U.S. generally accepted accounting principles (U.S. GAAP) described in Accounting Standards Update No. 2016–13, Topic 326, Financial Instruments—Credit Losses (ASU 2016–13), including banking organizations’ implementation of the current expected credit losses methodology. Specifically, the proposal would revise the agencies’ regulatory capital rules to identify which credit loss allowances under the new accounting standard are eligible for inclusion in regulatory capital and to provide banking organizations the option to phase in the day-one adverse effects on regulatory capital that may result from the adoption of the new accounting standard. The proposal also would amend certain regulatory disclosure requirements to reflect applicable changes to U.S. GAAP

covered under ASU 2016–13. In addition, the agencies are proposing to make amendments to their stress testing regulations so that covered banking organizations that have adopted ASU 2016–13 would not include the effect of ASU 2016–13 on their provisioning for purposes of stress testing until the 2020 stress test cycle. Finally, the agencies are proposing to make conforming amendments to their other regulations that reference credit loss allowances.

DATES: Comments must be received by July 13, 2018.

ADDRESSES: Comments should be directed to:

OCC: You may submit comments to the OCC by any of the methods set forth below. Commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title “Regulatory Capital Rules: Implementation and Transition of the Current Expected Credit Losses Methodology for Allowances and Related Adjustments to the Regulatory Capital Rules and Conforming Amendments to Other Regulations” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- **Federal eRulemaking Portal—“Regulations.gov”:** Go to www.regulations.gov. Enter “Docket ID OCC–2018–0009” in the Search Box and click “Search.” Click on “Comment Now” to submit public comments.

- Click on the “Help” tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.

- **Email:** regs.comments@occ.treas.gov.

- **Mail:** Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E–218, Washington, DC 20219.

- **Hand Delivery/Courier:** 400 7th Street SW, suite 3E–218, Washington, DC 20219.

- **Fax:** (571) 465–4326.

Instructions: You must include “OCC” as the agency name and “Docket ID OCC–2018–0009” in your comment. In general, the OCC will enter all comments received into the docket and publish them on the *Regulations.gov* website without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not

include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- **Viewing Comments Electronically:**

Go to www.regulations.gov. Enter “Docket ID OCC–2018–0009” in the Search box and click “Search.” Click on “Open Docket Folder” on the right side of the screen. Comments and supporting materials can be viewed and filtered by clicking on “View all documents and comments in this docket” and then using the filtering tools on the left side of the screen.

- Click on the “Help” tab on the *Regulations.gov* home page to get information on using *Regulations.gov*. The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Viewing Comments Personally: You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

Board: You may submit comments, identified by Docket No. R–1605 and RIN 7100–AF04, by any of the following methods:

- **Agency Website:** <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

- **Email:** regs.comments@federalreserve.gov. Include docket 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/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons or to remove sensitive PII at the commenter’s request. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW (between 18th and 19th Streets NW), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, identified by RIN 3064–AE74, by any of the following methods:

- **Agency Website:** <https://www.fdic.gov/regulations/laws/federal/>. Follow instructions for submitting comments on the Agency website.

- **Mail:** Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- **Hand Delivery/Courier:** Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

- **Email:** comments@FDIC.gov. Include RIN 3064–AE74 on the subject line of the message.

- **Public Inspection:** All comments received must include the agency name and RIN 3064–AE74 for this rulemaking. All comments received will be posted without change to <http://www.fdic.gov/regulations/laws/federal/>, including any personal information provided. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, or by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT:

OCC: Mark Ginsberg, Senior Risk Expert, (202) 649–6983; or Kevin Korzeniewski, Counsel, Legislative and Regulatory Activities Division, (202) 649–5490; or for persons who are hearing impaired, TTY, (202) 649–5597.

Board: Constance M. Horsley, Deputy Associate Director, (202) 452–5239; Juan Climent, Manager, (202) 872–7526; Andrew Willis, Senior Supervisory Financial Analyst, (202) 912–4323; or Noah Cutler, Senior Financial Analyst, (202) 912–4678, Division of Supervision and Regulation; or Benjamin W. McDonough, Assistant General Counsel, (202) 452–2036; David W. Alexander, Counsel, (202) 452–2877; or Asad Kudiya, Senior Attorney, (202) 475–6358, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf, (202) 263–4869.

FDIC: Benedetto Bosco, Chief, bbosco@fdic.gov; David Riley, Senior Policy Analyst, dariley@fdic.gov; Richard Smith, Capital Markets Policy Analyst, rsmith@fdic.gov; Michael Maloney, Senior Policy Analyst, mmaloney@fdic.gov; Capital Markets Branch, Division of Risk Management Supervision, regulatorycapital@fdic.gov,

(202) 898–6888; or Michael Phillips, Acting Supervisory Counsel, mphillips@fdic.gov; Catherine Wood, Counsel, cawood@fdic.gov; or Benjamin Klein, Counsel, bklein@fdic.gov; Supervision Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background	A. Overview of Changes to U.S. Generally Accepted Accounting Principles
	B. Regulatory Capital
II. Description of the Proposed Rule	A. Proposed Revisions to the Capital Rules To Reflect the Change in U.S. GAAP
	1. Introduction of Allowance for Credit Losses as a Newly Defined Term
	2. Definition of Carrying Value
	i. Available-for-Sale Debt Securities
	ii. Purchased Credit-Deteriorated Assets
	3. Additional Considerations
	B. CECL Transition Provision
	1. Election of the Optional CECL Transition Provision
	2. Mechanics of the CECL Transition Provision
	3. CECL Transition Provision Time Period
	4. Business Combinations
	5. Supervisory Oversight
	C. Additional Requirements for Advanced Approaches Banking Organizations
	D. Disclosures and Regulatory Reporting
	E. Conforming Changes to Other Agency Regulations
	1. OCC Regulations
	2. Board Regulations
	3. FDIC Regulations
	F. Additional Requests for Comments
III. Regulatory Analyses	A. Paperwork Reduction Act
	B. Regulatory Flexibility Act
	C. Plain Language
	D. OCC Unfunded Mandates Reform Act of 1995
	E. Riegle Community Development and Regulatory Improvement Act of 1994

I. Background

A. Overview of Changes to U.S. Generally Accepted Accounting Principles

In June 2016, the Financial Accounting Standards Board (FASB) issued Accounting Standards Update (ASU) No. 2016–13, Topic 326, Financial Instruments—Credit Losses,¹ which revises the accounting for credit losses under U.S. generally accepted accounting principles (U.S. GAAP). ASU No. 2016–13 introduces the current expected credit losses

¹ ASU No. 2016–13 introduces ASC Topic 326 which covers measurement of credit losses on financial instruments and includes three subtopics: (i) Subtopic 10 Financial Instruments—Credit Losses—Overall; (ii) Subtopic 20: Financial Instruments—Credit Losses—Measured at Amortized Cost; and (iii) Subtopic 30: Financial Instruments—Credit Losses—Available-for-Sale Debt Securities.

methodology (CECL), which replaces the incurred loss methodology for financial assets measured at amortized cost, and the term, purchased credit-deteriorated (PCD) assets, which replaces the term, purchased credit-impaired (PCI) assets, and modifies the treatment of credit losses on available-for-sale (AFS) debt securities.

The new accounting standard for credit losses will apply to all banking organizations² that are subject to the regulatory capital rules³ (capital rules) of the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies), and that file regulatory reports for which the reporting requirements are required to conform to U.S. GAAP.⁴

CECL differs from the incurred loss methodology in several key respects. First, CECL requires banking organizations to recognize lifetime expected credit losses for financial assets measured at amortized cost, not just those credit losses that have been incurred as of the reporting date. CECL also requires the incorporation of reasonable and supportable forecasts in developing an estimate of lifetime expected credit losses, while maintaining the current requirement for banking organizations to consider past events and current conditions. Furthermore, the probable threshold for recognition of allowances in accordance with the incurred loss methodology is removed under CECL. Taken together, estimating expected credit losses over the life of an asset under CECL, including consideration of reasonable and supportable forecasts but without applying the probable threshold that exists under the incurred loss

² Banking organizations subject to the capital rules include national banks, state member banks, state nonmember banks, savings associations, and top-tier bank holding companies and savings and loan holding companies domiciled in the United States not subject to the Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), but exclude certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities or that are estate trusts, and bank holding companies and savings and loan holding companies that are employee stock ownership plans.

³ 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC).

⁴ See 12 U.S.C. 1831n; see also Instructions for Preparation of Consolidated Financial Statements for Holding Companies, Reporting Form FR Y–9C (Reissued March 2013); Instructions for Preparation of Consolidated Reports of Condition and Income, Reporting Forms FFIEC 031 and FFIEC 041 (last update September 2017); Instructions for Preparation of Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less than \$1 Billion, Reporting Form FFIEC 051 (last update September 2017).

methodology, results in earlier recognition of credit losses.

In addition, CECL replaces multiple impairment approaches in existing U.S. GAAP. CECL allowances will cover a broader range of financial assets than allowance for loan and lease losses (ALLL) under the incurred loss methodology. Under the incurred loss methodology, in general, ALLL covers credit losses on loans held for investment and lease financing receivables, with additional allowances for certain other extensions of credit and allowances for credit losses on certain off-balance sheet credit exposures (with the latter allowances presented as a liability).⁵ These exposures will be within the scope of CECL. In addition, CECL covers credit losses on held-to-maturity (HTM) debt securities. As mentioned above, ASU No. 2016–13 also introduces PCD assets as a replacement for PCI assets. The PCD asset definition covers a broader range of assets than the PCI asset definition. CECL requires banking organizations to estimate and record credit loss allowances for a PCD asset at the time of purchase. The credit loss allowance is then added to the purchase price to determine the amortized cost basis of the asset for financial reporting purposes. Post-acquisition increases in credit loss allowances on PCD assets will be established through a charge to earnings. This is different from the

current treatment of PCI assets, for which banking organizations are not permitted to estimate and recognize credit loss allowances at the time of purchase. Rather, in general, credit loss allowances for PCI assets are estimated subsequent to the purchase only if there is deterioration in the expected cash flows from the assets.

ASU No. 2016–13 also introduces new requirements for AFS debt securities. The new accounting standard requires that a banking organization recognize credit losses on individual AFS debt securities through credit loss allowances, rather than through direct write-downs, as is currently required under U.S. GAAP. AFS debt securities will continue to be measured at fair value, with changes in fair value not related to credit losses recognized in other comprehensive income. Credit loss allowances on an AFS debt security are limited to the amount by which the security's fair value is less than its amortized cost.

Upon adoption of CECL, a banking organization will record a one-time adjustment to its credit loss allowances as of the beginning of its fiscal year of adoption equal to the difference, if any, between the amount of credit loss allowances required under the incurred loss methodology and the amount of credit loss allowances required under CECL. Except for PCD assets, the adjustment to credit loss allowances

would be recognized with offsetting entries to deferred tax assets (DTAs), if appropriate, and to the fiscal year's beginning retained earnings.

The effective date of ASU No. 2016–13 varies for different banking organizations. For banking organizations that are U.S. Securities and Exchange Commission (SEC) filers,⁶ ASU No. 2016–13 will become effective for the first fiscal year beginning after December 15, 2019, including interim periods within that fiscal year. For banking organizations that are public business entities (PBE)⁷ but not SEC filers (as defined in U.S. GAAP), ASU No. 2016–13 will become effective for the first fiscal year beginning after December 15, 2020, including interim periods within that fiscal year. For banking organizations that are not PBEs (as defined in U.S. GAAP), ASU No. 2016–13 will become effective for the first fiscal year beginning after December 15, 2020; however, these banking organizations will not be required to adopt ASU No. 2016–13 for interim period reporting until the first fiscal year that begins after December 15, 2021. A banking organization that chooses to apply ASU No. 2016–13 early may do so in the first fiscal year beginning after December 15, 2018, including interim periods. The following table provides a summary of the effective dates.

CECL EFFECTIVE DATES

	U.S. GAAP effective date	Regulatory report effective date *
PBEs that are SEC Filers	Fiscal years beginning after 12/15/2019, including interim periods within those fiscal years.	3/31/2020.
Other PBEs (Non-SEC Filers)	Fiscal years beginning after 12/15/2020, including interim periods within those fiscal years.	3/31/2021.
Non-PBEs	Fiscal years beginning after 12/15/2020, and interim periods for fiscal years beginning after 12/15/2021.	12/31/2021.
Early Application	Early application permitted for fiscal years beginning after 12/15/2018, including interim periods within those fiscal years.	3/31 of year of effective date of early application of ASU 2016–13.

* For institutions with calendar year-ends.

B. Regulatory Capital

Changes necessitated by CECL to a banking organization's retained

earnings, DTAs, and allowances will affect its regulatory capital ratios.⁸ Specifically, retained earnings are a key

component of a banking organization's common equity tier 1 (CET1) capital. An increase in a banking organization's

⁵ "Other extensions of credit" includes trade and reinsurance receivables, and receivables that relate to repurchase agreements and securities lending agreements. "Off-balance sheet credit exposures" includes off-balance sheet credit exposures not accounted for as insurance, such as loan commitments, standby letters of credit, and financial guarantees. The agencies note that credit losses for off-balance sheet credit exposures that are unconditionally cancellable by the issuer are not recognized under CECL.

⁶ An SEC filer is an entity (e.g., a bank holding company or savings and loan holding company)

that is required to file its financial statements with the SEC under the federal securities laws or, for an insured depository institution, the appropriate federal banking agency under section 12(i) of the Securities Exchange Act of 1934. The banking agencies named under section 12(i) of the Securities Exchange Act of 1934 are the OCC, the Board, and the FDIC.

⁷ A public business entity (PBE) that is not an SEC filer would include: (1) An entity that has issued securities that are traded, listed, or quoted on an over-the-counter market, or (2) an entity that has issued one or more securities that are not subject

to contractual restrictions on transfer and is required by law, contract, or regulation to prepare U.S. GAAP financial statements (including footnotes) and make them publicly available periodically (e.g., pursuant to Section 36 of the Federal Deposit Insurance Act and part 363 of the FDIC's rules). For further information on the definition of a PBE, refer to ASU No. 2013–12, Definition of a Public Business Entity, issued in December 2013.

⁸ 12 CFR 3.20 (OCC); 12 CFR 217.20 (Board); 12 CFR 324.20 (FDIC).

allowances, including those estimated under CECL, generally will reduce the banking organization's earnings or retained earnings, and therefore its CET1 capital.⁹ DTAs arising from temporary differences (temporary difference DTAs) must be included in a banking organization's risk-weighted assets or deducted from CET1 capital if they exceed certain thresholds. Increases in allowances generally give rise to increases in temporary difference DTAs that will partially offset the reduction in earnings or retained earnings.¹⁰ Under the standardized approach of the capital rules, ALLL is included in a banking organization's tier 2 capital up to 1.25 percent of its standardized total risk-weighted assets (excluding its standardized market risk-weighted assets, if applicable).¹¹ An advanced approaches banking organization¹² that has completed the parallel run process¹³ includes in its advanced-approaches-adjusted total capital any eligible credit reserves that exceed the banking organization's total expected credit losses, as defined in the capital rules, to the extent that the excess reserve amount does not exceed 0.6 percent of the banking organization's credit risk-weighted assets.¹⁴

II. Description of the Proposed Rule

To address the forthcoming implementation of changes to U.S. GAAP resulting from the FASB's issuance of ASU No. 2016–13 and to improve consistency between the capital rules and U.S. GAAP, the agencies propose to amend their capital

rules to identify which credit loss allowances under the new accounting standard are eligible for inclusion in a banking organization's regulatory capital.¹⁵ In particular, the agencies are proposing to add allowance for credit losses (ACL) as a newly defined term in the capital rules. ACL would include credit loss allowances related to financial assets measured at amortized cost, except for allowances for PCD assets. ACL would be eligible for inclusion in a banking organization's tier 2 capital subject to the current limit for including ALLL in tier 2 capital under the capital rules.

Further, the agencies are proposing to revise the capital rules, as applicable to an advanced approaches banking organization that has adopted CECL, and that has completed the parallel run process, to align the definition of eligible credit reserves with the definition of ACL in this proposal. For such a banking organization, the proposal would retain the current limit for including eligible credit reserves in tier 2 capital.

The proposal also would provide a separate capital treatment for allowances associated with AFS debt securities and PCD assets that would apply to all banking organizations upon adoption of ASU 2016–13.

In addition, the agencies are proposing to provide banking organizations the option to phase in the day-one adverse regulatory capital effects of CECL adoption over a three-year period (CECL transition provision). The CECL transition provision is intended to address banking organizations' challenges in capital planning for CECL implementation, including the uncertainty of economic conditions at the time a banking organization adopts CECL.

The proposed rule also would revise regulatory disclosure requirements that would apply to certain banking organizations following their adoption of CECL.¹⁶ Revisions to the agencies' regulatory reports will be proposed in a separate notice. Finally, the proposed rule would make conforming amendments to the agencies' other regulations that refer to credit loss

allowances to reflect the implementation of ASU No. 2016–13.

A. Proposed Revisions to the Capital Rules To Reflect the Change in U.S. GAAP

1. Introduction of Allowances for Credit Losses as a Newly Defined Term

The agencies are proposing to revise the capital rules to reflect the revised accounting standard for credit losses under U.S. GAAP as it relates to banking organizations' calculation of regulatory capital ratios. Under the proposal, the new term ACL, rather than ALLL, would apply to a banking organization that has adopted CECL. Consistent with the treatment of ALLL under the capital rules' standardized approach, amounts of ACL would be eligible for inclusion in a banking organization's tier 2 capital up to 1.25 percent of the banking organization's standardized total risk-weighted assets (excluding its standardized market risk-weighted assets, if applicable).

CECL allowances cover a broader range of financial assets than ALLL under the incurred loss methodology. Under the capital rules, ALLL includes valuation allowances that have been established through a charge against earnings to cover estimated credit losses on loans or other extensions of credit as determined in accordance with U.S. GAAP. Under CECL, credit loss allowances represent an accounting valuation account, measured as the difference between the financial assets' amortized cost basis and the amount expected to be collected on the financial assets (*i.e.*, lifetime credit losses). Thus, ACL would include allowances for expected credit losses on HTM debt securities and lessors' net investments in leases that have been established to reduce these assets to amounts expected to be collected, as determined in accordance with U.S. GAAP. ACL also would include allowances for expected credit losses on off-balance sheet credit exposures not accounted for as insurance, as determined in accordance with U.S. GAAP. As described below, however, credit loss allowances related to AFS debt securities and PCD assets would not be included in the definition of ACL. As with the treatment of ALLL, ACL under the proposal also would exclude allocated transfer risk reserves.

Question 1: The agencies request comment on whether use of the term "allowance for credit losses" within the capital rules would present operational or other challenges, or generally cause confusion for banking organizations, given other contextual uses for the term,

⁹ However, allowances recognized on PCD assets upon adoption of CECL and upon later purchases of PCD assets generally would not reduce the banking organization's earnings, retained earnings, or CET1 capital.

¹⁰ Deferred tax assets are a result of deductible temporary differences and carryforwards which result in a decrease in taxes payable in future years.

¹¹ Any amount of ALLL greater than the 1.25 percent limit is deducted from standardized total risk-weighted assets.

¹² A banking organization is an advanced approaches banking organization if it has consolidated assets of at least \$250 billion or if it has consolidated on-balance sheet foreign exposures of at least \$10 billion, or if it is a subsidiary of a depository institution, bank holding company, savings and loan holding company, or intermediate holding company that is an advanced approaches banking organization. See 12 CFR 3.100 (OCC); 12 CFR 217.100 (Board); 12 CFR 324.100 (FDIC).

¹³ An advanced approaches banking organization is considered to have completed the parallel run process once it has completed the advanced approaches qualification process and received notification from its primary federal regulator pursuant to section 121(d) of subpart E of the capital rules. See 12 CFR 3.121(d) (OCC); 12 CFR 217.121(d) (Board); 12 CFR 324.121(d) (FDIC).

¹⁴ 12 CFR 3.10(c)(3)(ii) (OCC); 12 CFR 217.10(c)(3)(ii) (Board); and 12 CFR 324.10(c)(3)(ii) (FDIC).

¹⁵ Note that under section 37 of the Federal Deposit Insurance Act, the accounting principles applicable to reports or statements required to be filed with the agencies by all insured depository institutions must be uniform and consistent with GAAP. See 12 U.S.C. 1831n(a)(2)(A). Consistency in reporting under the statute would be addressed by the agencies' CECL revisions to the Call Report pursuant to the Paperwork Reduction Act.

¹⁶ For certain banking organizations, sections 63 and 173 of the capital rules require disclosure of items such as capital structure, capital adequacy, credit risk, and credit risk mitigation.

particularly in U.S. GAAP and accounting guidance.

2. Definition of Carrying Value

The agencies are proposing to revise the regulatory definition of carrying value under the capital rules to provide that, for all assets other than AFS debt securities and PCD assets, the carrying value is not reduced by any associated credit loss allowance.

i. Available-for-Sale Debt Securities

Current accounting standards require a banking organization to make an individual assessment of each of its AFS debt securities and take a direct write-down for credit losses when such a security is other-than-temporarily impaired. The amount of the write-down is against earnings, which reduces CET1 capital and also results in a reduction in the same amount of the carrying value of the AFS debt security. ASU No. 2016–13 revises the accounting for credit impairment of AFS debt securities by requiring banking organizations to determine whether a decline in fair value below an AFS debt security's amortized cost resulted from a credit loss, and to record any such credit impairment through earnings with a corresponding allowance. Similar to the current regulatory treatment of credit-related losses for other-than-temporary impairment, under the proposal all credit losses recognized on AFS debt securities would flow through to CET1 capital and reduce the carrying value of the AFS debt security. Since the carrying value of an AFS debt security is its fair value, which would reflect any credit impairment, credit loss allowances for AFS debt securities required under the new accounting standard would not be eligible for inclusion in a banking organization's tier 2 capital.

ii. Purchased Credit-Deteriorated Assets

Under the new accounting standard, PCD assets are acquired individual financial assets (or acquired groups of financial assets with shared risk characteristics) that, as of the date of acquisition and as determined by an acquirer's assessment, have experienced a more-than-insignificant deterioration in credit quality since origination. The new accounting standard will require a banking organization to estimate expected credit losses that are embedded in the purchase price of a PCD asset and recognize these amounts as an allowance as of the date of acquisition. As such, the initial allowance amount for a PCD asset recorded on a banking organization's balance sheet will not be established

through a charge to earnings. Post-acquisition increases in allowances for PCD assets will be established through a charge against earnings.

Including in tier 2 capital allowances that have not been charged against earnings would diminish the quality of regulatory capital. Accordingly, the agencies are proposing to maintain the requirement that valuation allowances be charged against earnings in order to be eligible for inclusion in tier 2 capital. The agencies also are clarifying that valuation allowances that are charged to retained earnings in accordance with U.S. GAAP (*i.e.*, the allowances required at CECL adoption) are eligible for inclusion in tier 2 capital. The agencies considered proposing to allow banking organizations to bifurcate PCD allowances to include only post-acquisition allowances in the definition of ACL. The agencies are concerned, however, that a bifurcated approach could create undue complexity and burden for banking organizations when determining the amount of credit loss allowances for PCD assets eligible for inclusion in tier 2 capital. Therefore, the proposal excludes PCD allowances from being included in tier 2 capital. The proposal also revises the definition of carrying value such that for PCD assets the carrying value is calculated net of allowances. This treatment of PCD assets would, in effect, reduce a banking organization's standardized total risk-weighted assets, similar to the proposed treatment for credit loss allowances for AFS debt securities.

Question 2: The agencies are requesting comment on whether the definition of ACL is appropriate for determining the amount of allowances that may be included in a banking organization's tier 2 capital and whether the approach to AFS debt securities and PCD assets is appropriate. What, if any, alternatives with respect to the treatment of ACL, AFS debt securities, and PCD assets should the agencies consider and what are the associated advantages and disadvantages of such alternatives?

3. Additional Considerations

The agencies are not proposing to change the limit of 1.25 percent of risk-weighted assets governing the amount of ACL eligible for inclusion in tier 2 capital. The agencies intend to monitor the effects of this limit on regulatory capital and bank lending practices. This ongoing monitoring will include the review of data, including data provided by banking organizations, and will assist the agencies in determining whether a further change to the capital rules' treatment of ACL might be warranted.

To the extent the agencies determine that further revisions to the capital rules are necessary, the agencies would seek comment through a separate proposal.

B. CECL Transition Provision

As discussed above, upon adopting CECL, a banking organization will record an adjustment to its credit loss allowances equal to the difference between the amount of credit loss allowances required under the incurred loss methodology and the amount of credit loss allowances required under CECL. Some banking organizations have expressed concerns about the difficulty in capital planning due to the uncertainty about the economic environment at the time of CECL adoption. This is largely because CECL requires banking organizations to consider current and future expected economic conditions to estimate allowances and these conditions will not be known until closer to a banking organization's CECL adoption date. Therefore, it is possible that despite adequate planning to prepare for the implementation of CECL, unexpected economic conditions at the time of CECL adoption could result in higher-than-anticipated increases in allowances. To address these concerns, the agencies are proposing to provide a banking organization with the option to phase in over a three-year period the day-one adverse effects of CECL on the banking organization's regulatory capital ratios.

1. Election of the Optional CECL Transition Provision

Under the proposal, a banking organization that experiences a reduction in retained earnings as of the CECL adoption date may elect to phase in the regulatory capital impact of adopting CECL over a three-year transition period (electing banking organization). An electing banking organization would be required to begin applying the CECL transition provision as of the electing banking organization's CECL adoption date. An electing banking organization would indicate in its regulatory report its election to use the CECL transition provision beginning in the quarter that it first reports its credit loss allowances as measured under CECL.¹⁷

A banking organization that does not elect to use the CECL transition provision in the quarter that it first

¹⁷ An insured depository institution would indicate its election to use the CECL transition provision on its Consolidated Reports of Condition and Income. A holding company would indicate its election to use the CECL transition provision on its FR Y–9C.

reports its credit loss allowances as measured under CECL would not be permitted to make an election in subsequent reporting periods and would be required to reflect the full effect of CECL in its regulatory capital ratios as of the banking organization's CECL adoption date. For example, a banking organization that adopts CECL as of January 1, 2020, and does not elect to use the CECL transition provision in its regulatory report as of March 31, 2020, would not be permitted to use the CECL transition provision in any subsequent reporting period.

A banking organization that is a non-PBE must adopt CECL no later than for fiscal years beginning after December 15, 2020, and for interim periods for fiscal years beginning after December 15, 2021. As a result, unless it chooses to adopt CECL as of an earlier date, such a banking organization with a calendar fiscal year will initially reflect CECL in its regulatory report filed as of December 31, 2021, even though CECL was effective for that banking organization as of the first day of the fiscal year. Such a banking organization's regulatory capital would not be affected by CECL during the first three reporting periods of 2021 and therefore the banking organization would initially be eligible to elect the CECL transition provision in its December 31, 2021 regulatory report. The second year of the transition period would begin in the banking organization's March 31, 2022 regulatory report.

Under the proposed rule, a depository institution holding company subject to the Board's capital rule and each of its subsidiary insured depository institutions would be eligible to make a CECL transition provision election independent of one another.

2. Mechanics of the CECL Transition Provision

The CECL transition provision is designed to phase in the day-one adverse impact on a banking organization's regulatory capital ratios resulting from its adoption of CECL. To calculate its transitional amounts under the CECL transition provision, an electing banking organization would compare the difference between its closing balance sheet amount for the fiscal year-end immediately prior to its adoption of CECL (pre-CECL amount) and its balance sheet amount as of the beginning of the fiscal year in which the

electing banking organization adopts CECL (post-CECL amount) for the following items: Retained earnings, temporary difference DTAs, and credit loss allowances eligible for inclusion in regulatory capital. The differences determined for each of these items would constitute the transitional amounts that an electing banking organization would phase in to its regulatory capital calculations over the proposed transition period, which would be the three-year period (twelve quarters) beginning the first day of the fiscal year in which the electing banking organization adopts CECL.

Specifically, under the proposed rule, an electing banking organization's CECL transitional amount would be determined as the difference between its pre-CECL and post-CECL amounts of retained earnings (CECL transitional amount). An electing banking organization's DTA transitional amount would be determined as the difference between its pre-CECL and post-CECL amounts of temporary difference DTAs (DTA transitional amount). An electing banking organization's ACL transitional amount would be determined as the difference between its pre-CECL amount of ALLL and its post-CECL amount of ACL (ACL transitional amount).

Under the standardized approach, an electing banking organization would phase in over the transition period its CECL transitional amount, DTA transitional amount, and ACL transitional amount. The electing banking organization also would phase in over the transition period the CECL transitional amount to its average total consolidated assets for purposes of calculating the tier 1 leverage ratio. Each transitional amount would be phased in over the transition period on a straight line basis.

Thus, for regulatory capital ratio calculation purposes, an electing banking organization would phase in the CECL transitional amount by increasing its retained earnings by 75 percent of its CECL transitional amount during the first year of the transition period, by 50 percent of its CECL transitional amount during the second year of the transition period, and by 25 percent of its CECL transitional amount during the third year of the transition period. The electing banking organization would phase in the DTA transitional amount by decreasing the amount of its temporary difference DTAs by 75 percent of its DTA

transitional amount during the first year of the transition period, by 50 percent of its DTA transitional amount during the second year of the transition period, and by 25 percent of its DTA transitional amount during the third year of the transition period. The banking organization would phase in the ACL transitional amount by decreasing the amount of its ACL by 75 percent of its ACL transitional amount during the first year of the transition period, by 50 percent of its ACL transitional amount during the second year of the transition period, and by 25 percent of its ACL transitional amount during the third year of the transition period. Finally, for regulatory capital ratio calculation purposes, the electing banking organization would increase the amount of its average total consolidated assets by its CECL transitional amount over the transition period on the same straight line basis (*i.e.*, increasing average total consolidated assets by 75 percent of the CECL transitional amount during year 1, by 50 percent during year 2, and by 25 percent during year 3 of the transition period).

For example, consider a hypothetical electing banking organization that has a CECL effective date of January 1, 2020, and a 21 percent tax rate. On the closing balance sheet date immediately prior to adopting CECL (*i.e.*, December 31, 2019), the electing banking organization has \$10 million in retained earnings and \$1 million of ALLL. On the opening balance sheet date immediately after adopting CECL (*i.e.*, January 1, 2020), the electing banking organization has \$1.2 million of ACL. The electing banking organization would recognize the adoption of CECL by recording an increase to ACL (credit) of \$200,000, with an offsetting increase in temporary difference DTAs of \$42,000 (debit), and a reduction in beginning retained earnings of \$158,000 (debit). For each of the quarterly reporting periods in year 1 of the transition period (*i.e.*, 2020), the electing banking organization would increase both retained earnings and average total consolidated assets by \$118,500 ($\$158,000 \times 75$ percent), decrease temporary difference DTAs by \$31,500 ($\$42,000 \times 75$ percent), and decrease ACL by \$150,000 ($\$200,000 \times 75$ percent) for purposes of calculating its regulatory capital ratios. The remainder of the CECL transition provision would be transitioned into regulatory capital according to the schedule provided in Table 1.

TABLE 1—EXAMPLE OF A CECL TRANSITION PROVISION SCHEDULE

In thousands	Transitional amounts	Transitional amounts applicable during each year of the transition period		
	Column A	Column B	Column C	Column D
		Year 1 at 75%	Year 2 at 50%	Year 3 at 25%
Increase retained earnings and average total consolidated assets by the CECL transitional amount	\$158	\$118.50	\$79	\$39.50
Decrease temporary difference DTAs by the DTA transitional amount	42	31.50	21	10.50
Decrease ACL by the ACL transitional amount	200	150	100	50

The result of the CECL transition provision for an electing banking organization would be to phase in the effect of the adoption of CECL in its regulatory capital ratios in a uniform manner. The phase in of the CECL transitional amount to retained earnings would mitigate the decrease in an electing banking organization's CET1 capital resulting from CECL adoption, and would increase during the transition period the level at which the capital rule's CET1 capital deduction thresholds would be triggered. The DTA transitional amount would phase in the amount of an electing banking organization's temporary difference DTAs subject to the CET1 capital deduction thresholds and the amount of temporary difference DTAs included in risk-weighted assets. The ACL transitional amount would phase in the amount of ACL that an electing banking organization may include in its tier 2 capital up to the limit of 1.25 percent of its standardized total risk-weighted assets (excluding its standardized market risk-weighted assets, if applicable). Finally, for purposes of an electing banking organization's tier 1 leverage ratio calculation, the addition of the CECL transitional amount to average total consolidated assets would offset the immediate decrease that would otherwise occur as a result of the adjustments to ACL and temporary difference DTAs resulting from the adoption of CECL.

Notwithstanding the CECL transition provision, all other aspects of the capital rules would continue to apply. Thus, all regulatory capital adjustments and deductions would continue to apply and an electing banking organization would continue to be limited in the amount of ACL that it could include in its tier 2 capital.¹⁸

Question 3: The agencies seek comment on other potential approaches to phasing in the day-one effects of

CECL on banking organizations' regulatory capital ratios. What are the pros and cons of such alternative approaches?

3. CECL Transition Provision Time Period

As noted, the agencies are proposing a phase-in period of three years. ASU No. 2016–13 was issued in 2016 and becomes mandatory in 2020 at the earliest, which provides banking organizations with at least four years to plan for CECL implementation. While the agencies recognize that a banking organization will better understand the macroeconomic factors that may affect the size of the banking organization's one-time adjustment to CECL closer to its CECL adoption date, the agencies view a period of four years to plan for CECL, combined with the proposed three-year transition period, as a sufficient amount of time for a banking organization to adjust and adapt to any immediate adverse effects on regulatory capital ratios resulting from CECL adoption.

Question 4: The agencies seek comment on the sufficiency of the proposed three-year transition period. Would a different time period be more appropriate? If so, why?

4. Business Combinations

Under the proposal, an electing banking organization that acquires another banking organization (as determined under U.S. GAAP) during the period in which the electing banking organization is using its CECL transition provision would continue to make use of its transitional amounts based on its calculation as of the date of its adoption of CECL. Business combinations would cover mergers, acquisitions, and transactions in which two existing unrelated entities combine into a newly created third entity. However, any CECL transitional amounts, DTA transitional amounts, and ACL transitional amounts of an acquired electing banking organization would not flow through to the resulting banking organization as the assets of an acquired banking

organization are generally measured at fair value at the time of the business combination.

Question 5: The agencies seek comment on the proposed treatment of business combinations and other potential approaches to treating business combinations within the context of the CECL transition provision. What are the pros and cons of such alternative approaches?

5. Supervisory Oversight

For purposes of determining whether an electing banking organization is in compliance with its regulatory capital requirements (including capital buffer and prompt corrective action (PCA) requirements), the agencies would use the electing banking organization's regulatory capital ratios as adjusted by the CECL transition provision. Through the supervisory process, the agencies would continue to examine banking organizations' credit loss estimates and allowance balances regardless of whether the banking organization has elected to use the CECL transition provision. In addition, the agencies may monitor electing banking organizations to ensure that such banking organizations have adequate capital at the expiration of their CECL transition provision period.

C. Additional Requirements for Advanced Approaches Banking Organizations

Under the capital rules, an advanced approaches banking organization that has completed the parallel run process includes in its advanced-approaches-adjusted total capital any amount of eligible credit reserves that exceeds its regulatory expected credit losses to the extent that the excess reserve amount does not exceed 0.6 percent of the banking organization's credit risk-weighted assets.¹⁹ The agencies propose to revise the definition of eligible credit reserves to align with the definition of

¹⁸ 12 CFR 3.10(c)(3)(ii)(B), 12 CFR 3.20(d)(3) (OCC); 12 CFR 217.10(c)(3)(ii)(B), 12 CFR 217.20(d)(3) (Board); 12 CFR 324.10(c)(3)(ii)(B), 12 CFR 324.20(d)(3) (FDIC).

¹⁹ 12 CFR 3.10(c)(3)(ii) (OCC); 12 CFR 217.10(c)(3)(ii) (Board); and 12 CFR 324.10(c)(3)(ii) (FDIC).

ACL in this proposal. Under the proposal, for an advanced approaches banking organization that has adopted CECL, eligible credit reserves would mean all general allowances that have been established through a charge against earnings or retained earnings to cover expected credit losses associated with on- or off-balance sheet wholesale and retail exposures, including ACL associated with such exposures. Similar to the current definition of eligible credit reserves, the definition of eligible credit reserves applicable to banking organizations that have adopted CECL would exclude allocated transfer risk reserves established pursuant to 12 U.S.C. 3904. In addition, the revised eligible credit reserves definition would exclude allowances that reflect credit losses on PCD assets and AFS debt securities, and other specific reserves created against recognized losses. The definition of eligible credit reserves would remain unchanged for an advanced approaches banking organization that has not adopted CECL.

For purposes of the supplementary leverage ratio, which is applicable to all advanced approaches banking organizations, the proposal would maintain the current definition of total leverage exposure. Thus, total leverage exposure would continue to include, among other items, the balance sheet carrying value of an advanced approaches banking organization's on-balance sheet assets less amounts deducted from tier 1 capital.

An advanced approaches banking organization that elects to use the CECL transition provision (electing advanced approaches banking organization) would increase its total leverage exposure for purposes of the supplementary leverage ratio by 75 percent of its CECL transitional amount during the first year of the transition period, increase its total leverage exposure for purposes of the supplementary leverage ratio by 50 percent of its CECL transitional amount during the second year of the transition period, and increase its total leverage exposure for purposes of the supplementary leverage ratio by 25 percent of its CECL transitional amount during the third year of the transition period.

In addition, an electing advanced approaches banking organization that has completed the parallel run process would calculate an additional transitional amount to be phased into its eligible credit reserves (eligible credit reserves transitional amount). The eligible credit reserves transitional amount would mean the increase in the amount of an advanced approaches

banking organization's eligible credit reserves as of the beginning of the fiscal year in which the banking organization adopts CECL from the amount of that banking organization's eligible credit reserves as of the closing of the fiscal year-end immediately prior to the banking organization's adoption of CECL. An electing advanced approaches banking organization would decrease the amount of its eligible credit reserves by its eligible credit reserves transitional amount over the transition period on a straight line basis (*i.e.*, decreasing eligible credit reserves by 75 percent during year 1, by 50 percent during year 2, and by 25 percent during year 3).

An advanced approaches banking organization that has completed the parallel run process is required to deduct from CET1 capital the amount of expected credit loss that exceeds its eligible credit reserves (ECR shortfall). Due to this requirement, an advanced approaches banking organization's CET1 capital immediately after CECL adoption may be greater than its CET1 capital immediately before CECL adoption.²⁰ This is because, for such banking organizations, CECL allowances can have a dual impact on CET1 capital: A reduction in retained earnings (partially offset by DTAs) and a concurrent reduction in the CET1 ECR shortfall deduction. The agencies are concerned that the use of the CECL transition provision could provide an undue benefit to a banking organization that had an ECR shortfall prior to its adoption of CECL and could undermine an objective of the CECL transition provision to provide relief to banking organizations that experience an immediate adverse impact to regulatory capital as a result of CECL adoption. Therefore, the agencies are proposing to limit the CECL transitional amount that such an electing advanced approaches banking organization can include in retained earnings. As part of this proposal, an electing advanced approaches banking organization that (1) has completed the parallel run process, (2) has an ECR shortfall immediately prior to the adoption of CECL, and (3) would have an increase in CET1 capital as of the beginning of the fiscal year in which it adopts CECL after including the first year portion of the CECL transitional amount, must decrease its CECL transitional amount by its DTA transitional amount.²¹ The

agencies believe requiring such an advanced approaches banking organization to reduce its CECL transitional amount by its DTA transitional amount would be simple to implement and thus would not be operationally burdensome. As an alternative approach, the agencies also would consider requiring an electing advanced approaches banking organization with an ECR shortfall immediately prior to the adoption of CECL to reduce its CECL transitional amount by the amount necessary to cause its CET1 capital upon adoption of CECL to not exceed CET1 capital immediately prior to adoption of CECL.

Question 6: The agencies are requesting comment on whether the definition of eligible credit reserves is appropriate for determining the amount of allowances that may be included in an advanced approaches banking organization's total capital. What, if any, alternatives with respect to the treatment of eligible credit reserves should the agencies consider and what are the associated advantages and disadvantages of such alternatives?

Question 7: The agencies are requesting comment on the proposed CECL transitional amount limitation for certain advanced approaches banking organizations that have an ECR shortfall. What, if any, are the associated advantages and disadvantages of the alternatives provided by the agencies?

D. Disclosures and Regulatory Reporting

Under the proposed rule, banking organizations subject to the disclosure requirements in section 63 of the capital rules would be required to update their disclosures to reflect the adoption of CECL. For example, such banking organizations would be required to disclose ACL instead of ALLL after CECL adoption.

For advanced approaches banking organizations, the agencies propose similar revisions to Tables 2, 3, and 5 in section 173 of the capital rules to reflect the adoption of CECL. In addition, the agencies are proposing revisions to those tables for electing advanced approaches banking organizations to disclose two sets of regulatory capital ratios. One set would

after including the first year portion of the CECL transitional amount, and, upon the adoption of CECL, records an increase to ACL (credit) of \$200,000, with an offsetting increase in temporary difference DTAs of \$42,000 (debit), and a reduction in beginning retained earnings of \$158,000 (debit), then that banking organization would have a CECL transitional amount of \$116,000 (\$158,000 – \$42,000), and would apply \$87,000 in year 1, \$58,000 in year 2, and \$29,000 in year 3 of the transition period.

²⁰ See 12 CFR 3.121(d) (OCC); 12 CFR 217.121(d) (Board); and 12 CFR 324.121(d) (FDIC).

²¹ For example, if a banking organization has completed the parallel run process, has an ECR shortfall immediately prior to the adoption of CECL, would have an increase in CET1 capital as of the beginning of the fiscal year in which it adopts CECL

reflect the banking organization’s capital ratios with the CECL transition provision and the other set would reflect the banking organization’s capital ratios on a fully phased-in basis.

In addition, to reflect changes in U.S. GAAP, the agencies anticipate proposing revisions to the regulatory reporting forms in a separate proposal. These proposed revisions would specify how electing banking organizations would report their transitional amounts for the affected line items in Schedule RC–R of the Call Report and Schedule HC–R of the FR Y–9C. In addition, the agencies intend to update instructions for certain other reporting forms, including the FFIEC 101, to account for the CECL transition provision.

E. Conforming Changes to Other Agency Regulations

1. OCC Regulations

In addition to the capital rules, seven provisions in other OCC regulations refer to ALLL, as defined in 12 CFR part 3, in calculating various statutory or regulatory limits. Specifically, ALLL is used in calculating limits on holdings of certain investment securities (12 CFR part 1); limits on ownership of bankers’ bank stock (12 CFR 5.20); limits on investments in bank premises (12 CFR 5.37); limits on leasing of personal property (12 CFR 23.4); limits on certain community development investments (12 CFR 24.4); lending limits (12 CFR part 32); and, limits on improvements to other real estate owned (12 CFR part 34, subpart E).

The OCC proposes to revise the calculations used in those sections that currently reference ALLL to also reference ACL, once a banking organization has adopted the FASB standard. This proposed conforming revision will ensure that banking

organizations will not experience a material decrease in any of the affected limits due to the adoption of CECL.

In addition, the OCC proposes to make conforming edits to the terminology used in the OCC’s stress testing regulation at 12 CFR part 46 to incorporate the new CECL methodology.

2. Board Regulations

Certain other regulations of the Board reflect the current practice of banking organizations establishing ALLL under the incurred loss methodology to cover estimated credit losses on loans, lease financing receivables, or other extensions of credit. As discussed in this proposal, banking organizations that adopt CECL will hold ACL to cover expected credit losses on a broader array of financial assets than covered by the ALLL. As a result, the proposal would make conforming changes to those other regulations.

Specifically, the proposal would amend the definition of “capital stock and surplus” in the Board’s Regulation H, 12 CFR part 208, to include the balance of a member bank’s allowance for credit losses. Similarly, the proposal would incorporate “allowance for credit losses” in the definition of “capital stock and surplus” in the Board’s Regulation K, 12 CFR part 211; Regulation W, 12 CFR part 223; and Regulation Y, 12 CFR part 225. A related change would be made to the definition of unimpaired capital and unimpaired surplus in the Board’s Regulation O, 12 CFR part 215.

The proposal would make a similar change to the Board’s Regulation K relating to the establishment of an allocated transfer risk reserve (ATRR). Specifically, the proposal would replace, for CECL adopters, all references to ALLL, in the section

relating to the accounting treatment of ATRR, with ACL.

The proposal incorporates technical amendments to § 225.127 of the Board’s Regulation Y to provide corrected reference citations to sections of Regulation Y that have been revised and renumbered.

Finally, the Board is proposing to amend its stress testing rules in the Board’s Regulation YY, 12 CFR part 252, to address the changes made in U.S. GAAP following the issuance of ASU No. 2016–13. Specifically, the Board is proposing to require a banking organization that has adopted CECL to include its provision for credit losses beginning in the 2020 stress test cycle, which would include provisions calculated under ASU No. 2016–13, instead of its provision for loan and lease losses, in its stress testing methodologies and data and information required to be submitted to the Board and that the disclosure of the results of those stress tests includes estimates of those provisions. To promote comparability of stress test results across firms, the proposal would provide that, for the 2018 and 2019 stress test cycles, a banking organization would continue to use its provision for loan and lease losses, as would be calculated under the incurred loss methodology, even if the firm adopted CECL in 2019. Finally, under the proposal, a banking organization that does not adopt CECL until 2021 would not be required to include its provision for credit losses for these purposes until the 2021 stress test cycle. The following table describes the stress test cycles in which a banking organization would be required to use its provision for credit losses instead of the provision for loan and lease losses, based on varying dates of adoption of ASU No. 2016–13.

TABLE 2—SUMMARY OF USE OF PROVISIONS IN 2019–2021 STRESS TEST CYCLES

Year of adoption of ASU No. 2016–13	2019 Stress test cycle	2020 Stress test cycle	2021 Stress test cycle
2019	Provision for loan and lease losses	Provision for credit losses	Provision for credit losses.
2020	Provision for loan and lease losses	Provision for credit losses	Provision for credit losses.
2021	Provision for loan and lease losses	Provision for loan and lease losses	Provision for credit losses.

The proposal would make a similar change to the Board’s company-run stress test requirements to require a banking organization that has adopted CECL, beginning in the 2020 stress test cycle, to incorporate the effects of the maintenance of ACL when estimating the impact on pro forma regulatory capital levels and pro forma capital ratios.

Question 8: The Board seeks comment on whether requiring a banking organization that adopts CECL in 2019 not to include provisions for credit losses in the 2019 stress test cycle would create additional burden or complexity.

Question 9: The Board seeks comment on whether, apart from the approach described, additional changes should be

made to its stress testing rules to address the accounting change.

3. FDIC Regulations

The proposal would also make conforming amendments to references to provisions or ALLL in the FDIC’s regulations. Specifically, the proposal would replace, for CECL adopters, all references to ALLL with ACL (as applicable) in the FDIC’s capital rules

codified at 12 CFR part 324, including in the definitions of “identified losses” and “standardized total risk-weighted assets.” The proposal would also make the same conforming changes to the following FDIC regulations by replacing all references to ALLL with ACL as applicable: 12 CFR parts 327, 347 and 390. Finally, consistent with the proposed changes to the Board’s stress testing rules, the proposal would make similar conforming changes to the FDIC’s stress testing rules codified at 12 CFR part 325.

F. Additional Requests for Comment

The agencies seek comment on all aspects of the proposal. Comments are requested about the potential advantages of the proposal in ensuring the individual safety and soundness of these banking organizations as well as on the stability of the financial system.

III. Regulatory Analyses

A. Paperwork Reduction Act

Certain provisions of the proposed rule contain “collection of information” requirements within the meaning of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521). In accordance with the requirements of the PRA, the agencies may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies reviewed the proposed rule and determined that the proposed rule revises certain disclosure and reporting requirements that have been previously cleared by the OMB under various control numbers. The agencies are proposing to extend for three years, with revision, these information collections. The information collections for the disclosure requirements contained in this proposed rulemaking have been submitted by the OCC and FDIC to OMB for review and approval under section 3507(d) of the PRA (44 U.S.C. 3507(d)) and § 1320.11 of the OMB’s implementing regulations (5 CFR part 1320). The Board reviewed the proposed rule under the authority delegated to the Board by OMB.

Comments are invited on:

a. Whether the collections of information are necessary for the proper performance of the agencies’ functions, including whether the information has practical utility;

b. The accuracy or the estimate of the burden of the information collections, 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 the information collections 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.

Disclosure Burden—Advanced Approaches Banking Organizations

Current Actions

Section 173 of the capital rules requires that advanced approaches banking organizations publicly disclose capital-related information as provided in a series of 13 tables. For advanced approaches banking organizations, the agencies propose revisions to Tables 2, 3, and 5 in section 173 of the capital rules to reflect the adoption of CECL. In addition, the agencies are proposing revisions to those tables for electing advanced approaches banking organizations to disclose two sets of regulatory capital ratios. One set would reflect such banking organization’s capital ratios with the CECL transition provision and the other set would reflect the banking organization’s capital ratios on a fully phased-in basis. This aspect of the proposed rule affects the below-listed information collections.

The changes in the disclosure requirements to Tables 2, 3, and 5 in section 173 of the capital rules would result in an increase in the average hours per response per agency of 48 hours for the initial setup burden. In addition, the changes in the disclosure requirements to Tables 2, 3, and 5 in section 173 of the capital rules would result in an increase in the average hours per response per agency of 6 hours for ongoing (quarterly) burden.²²

Proposed Revision, With Extension, of the Following Information Collections

OCC

Title of Information Collection: Risk-Based Capital Standards: Advanced Capital Adequacy Framework.

Frequency: Quarterly, annual.

Affected Public: Businesses or other for-profit.

²² In an effort to provide transparency, the total cumulative burden for each agency is shown. In addition, as stated in the Notice of Proposed Rulemaking, Simplifications to the Capital Rule Pursuant to the Economic Growth and Regulatory Paperwork Reduction Act of 1996, 82 FR 49984 (October 27, 2017), in order to be consistent across the agencies, the agencies are also applying a conforming methodology for calculating the burden estimates.

Respondents: National banks, state member banks, state nonmember banks, and state and federal savings associations.

OMB control number: 1557–0318.

Estimated number of respondents: 1,365 (of which 18 are advanced approaches institutions).

Estimated average hours per response:

Minimum Capital Ratios

Recordkeeping (Ongoing)—16.

Standardized Approach

Recordkeeping (Initial setup)—122.

Recordkeeping (Ongoing)—20.

Disclosure (Initial setup)—226.25.

Disclosure (Ongoing quarterly)—131.25.

Advanced Approaches

Recordkeeping (Initial setup)—460.

Recordkeeping (Ongoing)—540.77.

Recordkeeping (Ongoing quarterly)—20.

Disclosure (Initial setup)—328.

Disclosure (Ongoing)—5.78.

Disclosure (Ongoing quarterly)—41.

Proposed revisions estimated annual burden: 432 hours.

Estimated annual burden hours: 1,136 hours initial setup, 64,945 hours for ongoing.

Board

Title of Information Collection:

Recordkeeping and Disclosure Requirements Associated with Regulation Q.

Frequency: Quarterly, annual.

Affected Public: Businesses or other for-profit.

Respondents: State member banks (SMBs), bank holding companies (BHCs), U.S. intermediate holding companies (IHCs), savings and loan holding companies (SLHCs), and global systemically important bank holding companies (GSIbS).

Legal authorization and confidentiality: This information collection is authorized by section 38(o) of the Federal Deposit Insurance Act (12 U.S.C. 1831o(c)), section 908 of the International Lending Supervision Act of 1983 (12 U.S.C. 3907(a)(1)), section 9(6) of the Federal Reserve Act (12 U.S.C. 324), and section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)). The obligation to respond to this information collection is mandatory. If a respondent considers the information to be trade secrets and/or privileged such information could be withheld from the public under the authority of the Freedom of Information Act (5 U.S.C. 552(b)(4)). Additionally, to the extent that such information may be contained in an examination report such

information could also be withheld from the public (5 U.S.C. 552 (b)(8)).

Agency form number: FR Q.

OMB control number: 7100–0313.

Estimated number of respondents: 1,431 (of which 17 are advanced approaches institutions).

Estimated average hours per response:

Minimum Capital Ratios

Recordkeeping (Ongoing)—16.

Standardized Approach

Recordkeeping (Initial setup)—122.

Recordkeeping (Ongoing)—20.

Disclosure (Initial setup)—226.25.

Disclosure (Ongoing quarterly)—131.25.

Advanced Approaches

Recordkeeping (Initial setup)—460.

Recordkeeping (Ongoing)—540.77.

Recordkeeping (Ongoing quarterly)—20.

Disclosure (Initial setup)—328.

Disclosure (Ongoing)—5.78.

Disclosure (Ongoing quarterly)—41.

Disclosure (Table 13 quarterly)—5.

Risk-based Capital Surcharge for GSIBs

Recordkeeping (Ongoing)—0.5.

Proposed revisions estimated annual burden: 456 hours.

Estimated annual burden hours: 1,136 hours initial setup, 78,591 hours for ongoing.

FDIC

Title of Information Collection:

Regulatory Capital Rules.

Frequency: Quarterly, annual.

Affected Public: Businesses or other for-profit.

Respondents: State nonmember banks, state savings associations, and certain subsidiaries of those entities.

OMB control number: 3064–0153.

Estimated number of respondents: 3,637 (of which 2 are advanced approaches institutions).

Estimated average hours per response:

Minimum Capital Ratios

Recordkeeping (Ongoing)—16.

Standardized Approach

Recordkeeping (Initial setup)—122.

Recordkeeping (Ongoing)—20.

Disclosure (Initial setup)—226.25.

Disclosure (Ongoing quarterly)—131.25.

Advanced Approaches

Recordkeeping (Initial setup)—460.

Recordkeeping (Ongoing)—540.77.

Recordkeeping (Ongoing quarterly)—20.

Disclosure (Initial setup)—328.

Disclosure (Ongoing)—5.78.

Disclosure (Ongoing quarterly)—41.
Proposed revisions estimated annual burden: 96 hours.

Estimated annual burden hours: 1,136 hours initial setup, 133,038 hours for ongoing.

Reporting Burden—FFIEC and Board Forms

Current Actions

The agencies also plan to make changes to certain FFIEC and Board reporting forms and/or their related instructions as a result of the issuance of ASU 2016–13. In particular, the forms and/or related instructions for the following FFIEC reports could be affected: Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031, FFIEC 041, and FFIEC 051; OMB No. 1557–0081, 7100–0036, and 3064–0052), Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB No. 7100–0032), Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank (FFIEC 002S; OMB No. 7100–0032), Annual Dodd-Frank Act Company-Run Stress Test Report for Depository Institutions and Holding Companies with \$10–\$50 Billion in Total Consolidated Assets (FFIEC 016; OMB No. 1557–0311, 7100–0356, and 3064–0187), Foreign Branch Report of Condition (FFIEC 030; OMB No. 1557–0099, 7100–0071, and 3064–0011), Abbreviated Foreign Branch Report of Condition (FFIEC 030S; OMB No. 1557–0099, 7100–0071, and 3064–0011), and Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101; OMB No. 1557–0239, 7100–0319, and 3064–0159). The forms and/or related instructions for the following Board reports could be affected: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314; OMB No. 7100–0073), Domestic Finance Company Report of Consolidated Assets and Liabilities (FR 2248; OMB No. 7100–0005), Weekly Report of Selected Assets and Liabilities of Domestically Chartered Commercial Banks and U.S. Branches and Agencies of Foreign Banks (FR 2644; OMB No. 7100–0075), Consolidated Report of Condition and Income for Edge and Agreement Corporations (FR 2886b; OMB No. 7100–0086), Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7N; 7100–0125), Consolidated Financial Statements for Holding Companies (FR Y–9C; OMB No. 7100–0128), Parent

Company Only Financial Statements for Large Holding Companies (FR Y–9LP; OMB No. 7100–0128), Parent Company Only Financial Statements for Small Holding Companies (FR Y–9SP; OMB No. 7100–0128), Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies (FR Y–11; OMB No. 7100–0244), Capital Assessments and Stress Testing (FR Y–14; OMB No. 7100–0341), and Banking Organization Systemic Risk Report (FR Y–15; OMB No. 7100–0352). These changes to the FFIEC forms and/or instructions as well as the Board forms and/or instructions would be addressed in separate **Federal Register** notices.

B. Regulatory Flexibility Act

OCC: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, (RFA), requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of \$550 million or less and trust companies with total revenue of \$38.5 million or less) or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. As of December 31, 2016, the OCC supervised 956 small entities. The rule would apply to all OCC-supervised entities that are not subject to the advanced approaches risk-based capital rules, and thus potentially affects a substantial number of small entities. To determine whether a proposed rule would have a significant effect on those small entities, the OCC considers whether the economic impact associated with the proposed rule is greater than or equal to either 5 percent of a small entity's total annual salaries and benefits or 2.5 percent of a small entity's total non-interest expense. The OCC estimates the proposed rule would not generate any costs for affected small entities. The proposed rule may generate a benefit for those small entities that elect the transition of approximately \$13,000 per electing small entity supervised by the OCC. This estimate is based on the potential savings to small entities from not needing to raise additional capital related to CECL implementation due to the proposed regulatory capital transition. The estimated benefit is not significant in relation to the measures described above. Therefore, the OCC certifies that the proposed rule would not have a significant economic impact

on a substantial number of OCC-supervised small entities.

Board: The RFA requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.²³ In connection with a proposed rule, the RFA requires an agency to prepare an initial regulatory flexibility analysis describing the impact of the rule on small entities or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. An initial regulatory flexibility analysis must contain (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of, and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule which accomplish its stated objectives.

The Board has considered the potential impact of the proposed rule on small entities in accordance with the RFA. Based on its analysis and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing and inviting comment on this initial regulatory flexibility analysis. A final regulatory flexibility analysis will be conducted after comments received during the public comment period have been considered.

As discussed in detail above, the agencies are proposing to identify which credit loss allowances under GAAP (ASU No. 2016–13) are eligible for inclusion in regulatory capital and to provide banking organization the option to phase in, over a three-year period, the

effect on regulatory capital that may result from adoption of this accounting standard (ASU No. 2016–13). The proposal also would make conforming amendments to other regulations.

The Board has authority under the International Lending Supervision Act (ILSA)²⁴ and the PCA provisions of the Federal Deposit Insurance Act²⁵ to establish regulatory capital requirements for the institutions it regulates. For example, ILSA directs each Federal banking agency to cause banking institutions to achieve and maintain adequate capital by establishing minimum capital requirements as well as by other means that the agency deems appropriate.²⁶ The PCA provisions of the Federal Deposit Insurance Act direct each Federal banking agency to specify, for each relevant capital measure, the level at which an insured depository institution is well capitalized, adequately capitalized, undercapitalized, and significantly undercapitalized.²⁷ In addition, the Board has authority to establish regulatory capital standards for bank holding companies under ILSA²⁸ and the Bank Holding Company Act²⁹ and for savings and loan holding companies under the Home Owners Loan Act.³⁰

All banking organizations will be required to adopt ASU No. 2016–13, which will likely result in an increase in credit loss allowances. An increase in a banking organization's credit loss allowances will reduce the firm's retained earnings and therefore its CET1 capital. The proposed rule would identify those credit loss allowances under ASU No. 2016–13 that would be eligible for inclusion in regulatory capital. Further, the proposed rule would introduce a three-year transition period, which would allow a banking organization to phase in the immediate impact of adoption of ASU No. 2016–13. During the transition period, a banking organization that elects to use the phase-in would report higher capital than it otherwise would under the current capital rules.

The proposed rule also would make conforming amendments to certain of the Board's other regulations. In particular, certain other regulations of the Board include a definition of "capital stock and surplus," which reflect the current practice of banking

organizations establishing ALLL to cover estimated credit losses on loans, lease financing receivables, or other extensions of credit. The proposed rule would allow banking organizations that are subject to these regulations to also include in the definition of "capital stock and surplus" those credit loss allowances under ASU No. 2016–13 that would be eligible for inclusion in regulatory capital. Most aspects of the proposed rule would apply to all state member banks, as well as generally all bank holding companies and savings and loan holding companies that are subject to the Board's capital rule. However, in virtually all cases, the Board's capital rule only applies to bank holding companies and savings and loan holding companies with greater than \$1 billion in total assets. Thus, virtually all bank holding companies that would be subject to the proposed rule do not qualify as small banking organizations. With respect to state member banks that do qualify as small banking organizations, the proposed revision to the Board's capital rule would should have an economic benefit as they will be able to include additional credit loss allowances into regulatory capital than they otherwise would under the current capital rules. Therefore, the Board estimates the proposed rule would not generate any costs for affected small entities.

The proposed rule would not impact the recordkeeping and reporting requirements to which affected small banking organizations are currently subject. The agencies anticipate updating the relevant reporting forms at a later date.

The Board does not believe that the proposed rule duplicates, overlaps, or conflicts with any other Federal rules. In light of the foregoing, the Board does not believe that the proposed rule, if adopted in final form, would have a significant economic impact on a substantial number of small entities and therefore believes that there are no significant alternatives to the proposed rule that would reduce the economic impact on small banking organizations supervised by the Board. Nonetheless, the Board seeks comment on whether the proposed rule would impose undue burdens on, or have unintended consequences for, small organizations, and whether there are ways such potential burdens or consequences could be minimized in a manner consistent with the purpose of the proposed rule. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

²³ Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of \$550 million or less and trust companies with total assets of \$38.5 million or less. As of December 31, 2017, there were approximately 3,384 small bank holding companies, 230 small savings and loan holding companies, and 559 small state member banks.

²⁴ 12 U.S.C. 3901–3911.

²⁵ 12 U.S.C. 1831o.

²⁶ 12 U.S.C. 3907(a)(1).

²⁷ 12 U.S.C. 1831o(c)(2).

²⁸ See 12 U.S.C. 3907.

²⁹ See 12 U.S.C. 1844.

³⁰ See 12 U.S.C. 1467a(g)(1).

FDIC: Statement of the Regulatory Flexibility Act Requirements

The RFA generally requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities.³¹ A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic effect on a substantial number of small entities. The SBA has defined “small entities” to include banking organizations with total assets less than or equal to \$550 million.³²

Description of Need and Policy Objectives

In June 2016, the FASB issued ASU No. 2016–13, which revises the accounting for credit losses under U.S. GAAP. CECL differs from the incurred loss methodology currently implemented by institutions in several key respects. CECL requires banking organizations to recognize lifetime expected credit losses for financial assets measured at amortized cost, not just those credit losses that are probable of having been incurred as of the reporting date. In addition to maintaining the current requirement for banking organizations to consider past events and current conditions, CECL requires the incorporation of reasonable and supportable forecasts in developing an estimate of lifetime expected credit losses.

Upon adoption of CECL, a banking organization will record a one-time adjustment to its allowance for credit losses as of the beginning of its fiscal year of adoption equal to the difference, if any, between the amount of credit loss allowances required under the incurred loss methodology and the amount of credit loss allowances required under the CECL methodology. Changes to retained earnings, DTAs, and ALLL affect a banking organization’s calculation of regulatory capital.³³ To address changes made in U.S. GAAP following the FASB’s issuance of ASU No. 2016–13, the FDIC is proposing to amend its capital rule³⁴ to give banking organizations the option to phase in the

immediate, potentially adverse effects of CECL adoption over a three-year period.

Description of the Proposal

A description of the proposal is presented Section II: Description of the Proposed Rule. Please refer to it for further information.

Other Federal Rules

The FDIC has not identified any likely duplication, overlap, and/or potential conflict between the proposed rule and any federal rule.

Economic Impacts on Small Entities

The proposed rule could affect all FDIC-supervised small entities. The FDIC supervises 3,637 depository institutions, of which 2,924 are defined as small banking entities by the terms of the RFA.³⁵ However, the number of small entities that elect to utilize the proposed three-year transition schedule is difficult to estimate. Utilization will depend on an institution’s business model, the preferences of senior management or ownership, the assets held by the institution and reasonable expectation of future macroeconomic conditions, among other things.

The proposal, if implemented, would benefit small institutions who adopt the proposed three-year transition schedule by allowing them to phase-in any increases in capital associated with the implementation of CECL over that time. The three year transition schedule would reduce the costs associated with potential increases in capital relative to the immediate impact of CECL adoption by allowing institutions to raise capital levels gradually, over-time. It is difficult to accurately estimate the potential benefit for small institutions with available data because it depends on the assets held by small institutions, their provision activity, future economic conditions, and the decisions of senior management, among other things.

The proposal would pose some small regulatory costs for institutions that opt to utilize the three-year transition schedule. Changes in disclosure requirements for capital rules would result in an estimated increase of 48 hours on average hours per response per agency for the initial setup burden, as well as an estimated increase of 6 hours per response per agency for ongoing (quarterly) burden. Additionally, small entities that are subsidiaries of large complex institutions may have additional regulatory costs associated with changes in disclosure requirements. However, those costs are also likely to be small. Further, the

small regulatory costs associated with implementing proposed three-year transition schedule will be demonstrably less than the benefits posed by utilizing the schedule for those institutions that opt to utilize it.

Therefore, the FDIC does not believe that the proposed rule would have a significant economic impact on a substantial number of small entities.

Alternatives Considered

As an alternative to the proposed rule, the FDIC considered allowing CECL to go into effect with no accompanying action by the financial regulators. However, this alternative would likely result in higher costs for small entities. Additionally, the FDIC considered the alternative of a longer transition period of up to five years. While this alternative might reduce the costs of adopting CECL more than the proposed alternative, it also heightens the risk of capital increases coinciding with a potential future downturn in the business cycle. The coincidence of rising capital requirements during a future downturn in the business cycle could reduce the benefits of the proposed rule and have deleterious effects on lending activity.

Solicitation of Comments

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. Particularly, the FDIC invites comments on the effects the proposed rule will have on capital for institutions and the magnitude of those effects.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies have sought to present the proposed rule in a simple and straightforward manner, and invite comment on the use of plain language. For example:

- Have the agencies organized the material to suit your needs? If not, how could they present the proposed rule more clearly?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?
- Do the regulations contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes would achieve that?

³¹ 5 U.S.C. 601 *et seq.*

³² 13 CFR 121.201 (as amended, effective December 2, 2014).

³³ 12 CFR 3.20 (OCC); 12 CFR 217.20 (Board); 12 CFR 324.20 (FDIC).

³⁴ Under section 37 of the Federal Deposit Insurance Act, the accounting principles applicable to reports or statements required to be filed with the agencies by all insured depository institutions must be uniform and consistent with U.S. GAAP. *See* 12 U.S.C. 1831n(a)(2)(A).

³⁵ FDIC Call Report data as of December 31, 2017.

- Would more, but shorter, sections be better? If so, which sections should be changed?"

- What other changes can the agencies incorporate to make the regulation easier to understand?

D. OCC Unfunded Mandates Reform Act of 1995

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposed rule includes a federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (adjusted for inflation). The OCC has determined that this proposed rule would not result in expenditures by state, local, and Tribal governments, or the private sector, of \$100 million or more in any one year. Accordingly, the OCC has not prepared a written statement to accompany this proposal.

E. Riegle Community Development and Regulatory Improvement Act of 1994

The Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) requires that each federal banking agency, in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions generally must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.³⁶

The agencies note that comment on these matters has been solicited in other sections of this Supplementary Information section, and that the requirements of RCDRIA will be considered as part of the overall rulemaking process. In addition, the agencies also invite any other comments

that further will inform the agencies' consideration of RCDRIA.

List of Subjects

12 CFR Part 1

Banks, banking, National banks, Reporting and recordkeeping requirements, Securities.

12 CFR Part 3

Administrative practice and procedure, Capital, National banks, Risk.

12 CFR Part 5

Administrative practice and procedure, Federal savings associations, National banks, Reporting and recordkeeping requirements, Securities.

12 CFR Part 23

Banks, banking, National banks, Lease financing transactions, Leasing, Reporting and recordkeeping requirements.

12 CFR Part 24

Affordable housing, Community development, Credit, Investments, Economic development and job creation, Low- and moderate-income areas, Low- and moderate-income housing, National banks, Public welfare investments, Reporting and recordkeeping requirements, Rural areas, Small businesses, Tax credit investments.

12 CFR Part 32

National banks, Reporting and recordkeeping requirements.

12 CFR Part 34

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

12 CFR Part 46

Banking, Banks, Capital, Disclosures, National banks, Recordkeeping, Risk, Savings associations, Stress test.

12 CFR Part 208

Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, reporting and recordkeeping requirements, Securities.

12 CFR Part 211

Exports, Federal Reserve System, Foreign banking, Holding companies, Investments, Reporting and recordkeeping requirements.

12 CFR Part 215

Credit, Penalties, Reporting and recordkeeping requirements.

12 CFR Part 217

Administrative practice and procedure, Banks, Banking, Capital, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Risk, Securities.

12 CFR Part 223

Banks, Banking, Federal Reserve System.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 252

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 324

Administrative practice and procedure, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 325

Banks, banking, Reporting and recordkeeping requirements.

12 CFR Part 327

Bank deposit insurance, Banks, banking, Savings associations.

12 CFR Part 347

Authority delegation (Government agencies), Bank deposit insurance, Banks, banking, Credit, Foreign banking, Investments, Reporting and recordkeeping requirements, U.S. Investments abroad.

12 CFR Part 390

Administrative practice and procedure, Advertising, Aged, Civil rights, Conflict of interests, Credit, Crime, Equal employment opportunity, Fair housing, Government employees, Individuals with disabilities, Reporting and recordkeeping requirements, Savings associations.

Office of the Comptroller of the Currency

For the reasons set out in the joint preamble, the OCC proposes to amend 12 CFR chapter I as follows.

PART 1—INVESTMENT SECURITIES

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

Authority: 12 U.S.C. 1 *et seq.*, 24 (Seventh), and 93a.

³⁶ 12 U.S.C. 4802.

2. Section 1.2 is amended by revising paragraph (a)(2) to read as follows:

§ 1.2 Definitions.

(a) * * *

(2) The balance of a bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (a)(1) of this section, as reported in the bank's Call Report.

* * * * *

PART 3—CAPITAL ADEQUACY STANDARDS

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

Authority: 12 U.S.C. 93a, 161, 1462, 1462a, 1463, 1464, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, 3909, and 5412(b)(2)(B).

■ 4. Section 3.2 is amended by:

- a. Adding the definitions of *Allowance for credit losses (ACL)* in alphabetical order;
- b. Revising the definition of *Carrying value*;
- c. Adding the definition of *Current expected credit losses (CECL)* in alphabetical order; and
- d. Revising the definition of *Eligible credit reserves* and paragraph (2) of the definition of *Standardized total risk-weighted assets*.

The revisions and additions read as follows:

§ 3.2 Definitions.

* * * * *

Allowance for credit losses (ACL) means, with respect to a national bank or Federal savings association that has adopted CECL, valuation allowances that have been established through a charge against earnings or retained earnings for expected credit losses on financial assets measured at amortized cost and a lessor's net investment in leases that have been established to reduce the amortized cost basis of the assets to amounts expected to be collected as determined in accordance with GAAP. For purposes of this part, allowance for credit losses includes allowances for expected credit losses on off-balance sheet credit exposures not

accounted for as insurance as determined in accordance with GAAP. Allowance for credit losses excludes "allocated transfer risk reserves" and allowances created that reflect credit losses on purchased credit-deteriorated assets and available-for-sale debt securities.

* * * * *

Carrying value means, with respect to an asset, the value of the asset on the balance sheet of the national bank or Federal savings association as determined in accordance with GAAP. For all assets other than available-for-sale debt securities or purchased credit-deteriorated assets, the carrying value is not reduced by any associated credit loss allowance that is determined in accordance with GAAP.

* * * * *

Current expected credit losses (CECL) means the current expected credit losses methodology under GAAP.

* * * * *

Eligible credit reserves means:

- (1) For a national bank or Federal savings association that has not adopted CECL, all general allowances that have been established through a charge against earnings to cover estimated credit losses associated with on- or off-balance sheet wholesale and retail exposures, including the ALLL associated with such exposures, but excluding allocated transfer risk reserves established pursuant to 12 U.S.C. 3904 and other specific reserves created against recognized losses; and
- (2) For a national bank or Federal savings association that has adopted CECL, all general allowances that have been established through a charge against earnings or retained earnings to cover expected credit losses associated with on- or off-balance sheet wholesale and retail exposures, including ACL associated with such exposures. Eligible credit reserves exclude allocated transfer risk reserves established pursuant to 12 U.S.C. 3904, allowances that reflect credit losses on purchased credit-deteriorated assets and available-for-sale debt securities, and other specific reserves created against recognized losses.

* * * * *

Standardized total risk-weighted assets * * *

(2) Any amount of a national bank's or Federal savings association's allowance for loan and lease losses or allowance for credit losses, as applicable, that is not included in tier 2 capital and any amount of "allocated transfer risk reserves."

* * * * *

§ 3.10 [Amended]

■ 5. Section 3.10(c)(3)(ii)(A) is amended by removing the words "allowance for loan and lease losses" and adding in their place the words "allowance for loan and lease losses or allowance for credit losses, as applicable,".

§§ 3.20, 3.22, and 3.124 [Amended]

■ 6. Sections 3.20, 3.22, and 3.124 are amended by removing "ALLL" everywhere it appears and adding in its place "ALLL or ACL, as applicable," except the second occurrence in § 3.20(d)(3) where "ALLL or ACL, as applicable" is added in its place.

§ 3.63 [Amended]

■ 7. Section 3.63 is amended in Table 5 by removing "allowance for loan and lease losses," and "allowance for loan and lease losses" and adding in their place "allowance for loan and lease losses or allowance for credit losses, as applicable," and removing "ALLL" and adding in its place "ALLL or ACL, as applicable".

§ 3.173 [Amended]

■ 8. Section 3.173 is amended:

- a. In Table 2, by adding paragraph (e);
- b. In Table 3, by revising paragraph (e), redesignating paragraph (f) as paragraph (g), and adding a new paragraph (f); and
- c. In Table 5, by:
 - i. Removing "allowance for loan and lease losses," and "allowance for loan and lease losses" and adding in their place "allowance for loan and lease losses or allowance for credit losses, as applicable,"; and
 - ii. Revising paragraph (g).

The additions and revisions read as follows:

§ 3.173 Disclosures by certain advanced approaches national banks or Federal savings associations.

* * * * *

TABLE 2 TO § 3.173—CAPITAL STRUCTURE

*	*	*	*	*	*	*
(e)	(1)	Whether the national bank or Federal savings association has elected to phase in recognition of the transitional adjustment amount as defined in § 3.301.				
	(2)	The national bank's or Federal savings association's common equity tier 1 capital, tier 1 capital, and total capital without including the transitional adjustment amount.				

TABLE 3 TO § 3.173—CAPITAL ADEQUACY

*	*	*	*	*	*	*
(e)	(1)	Common equity tier 1, tier 1 and total risk-based capital ratios reflecting the transition provisions described in § 3.301:				
	(A)	For the top consolidated group; and				
	(2)	For each depository institution subsidiary.				
(f)		Common equity tier 1, tier 1 and total risk-based capital ratios reflecting the full adoption of CECL:				
	(1)	For the top consolidated group; and				
	(2)	For each depository institution subsidiary.				

TABLE 5¹ TO § 3.173—CREDIT RISK: GENERAL DISCLOSURES

*	*	*	*	*	*	*
(g)		Reconciliation of changes in ALLL or ACL, as applicable. ⁶				

¹ Table 5 to § 3.173 does not cover equity exposures, which should be reported in Table 9.

⁶ The reconciliation should include the following: A description of the allowance; the opening balance of the allowance; charge-offs taken against the allowance during the period; amounts provided (or reversed) for estimated probable loan losses during the period; any other adjustments (for example, exchange rate differences, business combinations, acquisitions and disposals of subsidiaries), including transfers between allowances; and the closing balance of the allowance. Charge-offs and recoveries that have been recorded directly to the income statement should be disclosed separately.

■ 9. Section 3.301 is added to read as follows:

§ 3.301 Current expected credit losses (CECL) transition.

(a) *CECL transition provision*—(1) A national bank or Federal savings association may elect to use a CECL transition provision pursuant to this section only if the national bank or Federal savings association records a reduction in retained earnings due to the adoption of CECL as of the beginning of the fiscal year in which the national bank or Federal savings association adopts CECL.

(2) A national bank or Federal savings association that elects to use the CECL transition provision must use the CECL transition provision in the first Call Report that includes CECL filed by the national bank or Federal savings association after it adopts CECL.

(3) A national bank or Federal savings association that does not elect to use the CECL transition provision as of the first Call Report that includes CECL filed as described in paragraph (a)(2) of this

section may not elect to use the CECL transition provision in subsequent reporting periods.

(b) *Definitions*. For purposes of this section, the following definitions apply:

(1) *Transition period* means the three-year period (twelve quarters) beginning the first day of the fiscal year in which a national bank or Federal savings association adopts CECL.

(2) *CECL transitional amount* means the decrease net of any DTAs in the amount of a national bank's or Federal savings association's retained earnings as of the beginning of the fiscal year in which the national bank or Federal savings association adopts CECL from the amount of the national bank's or Federal savings association's retained earnings as of the closing of the fiscal year-end immediately prior to the national bank's or Federal savings association's adoption of CECL.

(3) *DTA transitional amount* means the increase in the amount of a national bank's or Federal savings association's DTAs arising from temporary differences as of the beginning of the

fiscal year in which the national bank or Federal savings association adopts CECL from the amount of the national bank's or Federal savings association's DTAs arising from temporary differences as of the closing of the fiscal year-end immediately prior to the national bank's or Federal savings association's adoption of CECL.

(4) *ACL transitional amount* means the difference in the amount of a national bank's or Federal savings association's ACL as of the beginning of the fiscal year in which the national bank or Federal savings association adopts CECL and the amount of the national bank's or Federal savings association's ALLL as of the closing of the fiscal year-end immediately prior to the national bank's or Federal savings association's adoption of CECL.

(5) *Eligible credit reserves transitional amount* means the increase in the amount of a national bank's or Federal savings association's eligible credit reserves as of the beginning of the fiscal year in which the national bank or Federal savings association adopts CECL

from the amount of the national bank's or Federal savings association's eligible credit reserves as of the closing of the fiscal year-end immediately prior to the national bank's or Federal savings association's adoption of CECL.

(c) *Calculation of CECL transition provision.* (1) For purposes of the election described in paragraph (a)(1) of this section, a national bank or Federal savings association must make the following adjustments in its calculation of regulatory capital ratios:

(i) Increase retained earnings by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase retained earnings by fifty percent of its CECL transitional amount during the second year of the transition period, and increase retained earnings by twenty-five percent of its CECL transitional amount during the third year of the transition period;

(ii) Decrease amounts of DTAs arising from temporary differences by seventy-five percent of its DTA transitional amount during the first year of the transition period, decrease amounts of DTAs arising from temporary differences by fifty percent of its DTA transitional amount during the second year of the transition period, and decrease amounts of DTAs arising from temporary differences by twenty-five percent of its DTA transitional amount during the third year of the transition period;

(iii) Decrease amounts of ACL by seventy-five percent of its ACL transitional amount during the first year of the transition period, decrease amounts of ACL by fifty percent of its ACL transitional amount during the second year of the transition period, and decrease amounts of ACL by twenty-five percent of its ACL transitional amount during the third year of the transition period; and

(iv) Increase average total consolidated assets as reported on the Call Report for purposes of the leverage ratio by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase average total consolidated assets as reported on the Call Report for purposes of the leverage ratio by fifty percent of its CECL transitional amount during the second year of the transition period, and increase average total consolidated assets as reported on the Call Report for purposes of the leverage ratio twenty-five percent of its CECL transitional amount during the third year of the transition period.

(2) For purposes of the election described in paragraph (a)(1) of this section, an advanced approaches

national bank or Federal savings association must make the following additional adjustments to its calculation of regulatory capital ratios:

(i) Increase total leverage exposure for purposes of the supplementary leverage ratio by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase total leverage exposure for purposes of the supplementary leverage ratio by fifty percent of its CECL transitional amount during the second year of the transition period, and increase total leverage exposure for purposes of the supplementary leverage ratio by twenty-five percent of its CECL transitional amount during the third year of the transition period; and

(ii) An advanced approaches national bank or Federal savings association that has completed the parallel run process and that has received notification from the OCC pursuant to § 3.121(d) must decrease amounts of eligible credit reserves by seventy-five percent of its eligible credit reserves transitional amount during the first year of the transition period, decrease amounts of eligible credit reserves by fifty percent of its eligible credit reserves transitional amount during the second year of the transition period, and decrease amounts of eligible credit reserves by twenty-five percent of its eligible credit reserves transitional amount during the third year of the transition period.

(3) A national bank or Federal savings association that has completed the parallel run process and that has received notification from the OCC pursuant to § 3.121(d), and whose amount of expected credit loss exceeded its eligible credit reserves immediately prior to the adoption of CECL, and that this has an increase in common equity tier 1 capital as of the beginning of the fiscal year in which it adopts CECL after including the first year portion of the CECL transitional amount must decrease its CECL transitional amount used in paragraph (c) of this section by the full amount of its DTA transitional amount.

(4) Notwithstanding any other requirement in this section, for purposes of this paragraph (c)(4), in the event of a business combination involving a national bank or Federal savings association where one or both of the national bank or Federal savings association have elected the treatment described in this section:

(i) If the acquirer national bank or Federal savings association (as determined under GAAP) elected the treatment described in this section, the acquirer national bank or Federal savings association must continue to use the transitional amounts (unaffected by

the business combination) that it calculated as of the date that it adopted CECL through the end of its transition period.

(ii) If the acquired insured depository institution (as determined under GAAP) elected the treatment described in this section, any transitional amount of the acquired insured depository institution does not transfer to the resulting national bank or Federal savings association.

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

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

Authority: 12 U.S.C. 1 *et seq.*, 24a, 93a, 215a–2, 215a–3, 481, 1462a, 1463, 1464, 2901 *et seq.*, 3907, and 5412(b)(2)(B).

■ 11. Section 5.3 is amended by revising paragraph (e)(2) to read as follows:

§ 5.3 Definitions.

* * * * *

(e) * * *

(2) The balance of a national bank's or Federal savings association's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (e)(1) of this section, as reported in the Call Report.

* * * * *

■ 12. Section 5.37 is amended by revising paragraph (c)(3)(ii) to read as follows:

§ 5.37 Investment in national bank or Federal savings association premises.

* * * * *

(c) * * *

(3) * * *

(ii) The balance of a national bank's or Federal savings association's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (c)(3)(i) of this section, as reported in the Call Report.

* * * * *

PART 23—LEASING

■ 13. The authority citation for part 23 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 24(Seventh), 24(Tenth), and 93a.

■ 14. Section 23.2 is amended by revising paragraph (b)(2) to read as follows:

§ 23.2 Definitions.

* * * * *

(b) * * *

(2) The balance of a bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (b)(1) of this section, as reported in the bank's Call Report.

* * * * *

PART 24—COMMUNITY AND ECONOMIC DEVELOPMENT ENTITIES, COMMUNITY DEVELOPMENT PROJECTS, AND OTHER PUBLIC WELFARE INVESTMENTS

■ 15. The authority citation for part 24 continues to read as follows:

Authority: 12 U.S.C. 24(Eleventh), 93a, 481 and 1818.

■ 16. Section 24.2 is amended by revising paragraph (b)(2) to read as follows:

§ 24.2 Definitions.

* * * * *

(b) * * *

(2) The balance of a bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (b)(1) of this section, as reported in the bank's Call Report.

* * * * *

PART 32—LENDING LIMITS

■ 17. The authority citation for part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 12 U.S.C. 84, 93a, 1462a, 1463, 1464(u), 5412(b)(2)(B), and 15 U.S.C. 1639h.

■ 18. Section 32.2 is amended by revising paragraph (c)(2) to read as follows:

§ 32.2 Definitions.

* * * * *

(c) * * *

(2) The balance of a national bank's or savings association's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (c)(1) of this section, as reported in the bank's Call Report.

* * * * *

PART 34—REAL ESTATE LENDING AND APPRAISALS

■ 19. The authority citation for part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 25b, 29, 93a, 371, 1462a, 1463, 1464, 1465, 1701j-3, 1828(o), 3331 *et seq.*, 5101 *et seq.*, and 5412(b)(2)(B) and 15 U.S.C. 1639h.

■ 20. Section 34.81 is amended by revising paragraph (a)(2) to read as follows:

§ 34.81 Definitions.

(a) * * *

(2) The balance of a bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (a)(1) of this section, as reported in the bank's Call Report.

* * * * *

PART 46—ANNUAL STRESS TEST

■ 21. The authority citation for part 46 continues to read as follows:

Authority: 12 U.S.C. 93a; 1463(a)(2); 5365(i)(2); and 5412(b)(2)(B).

§ 46.8 [Amended]

■ 22. Section 46.8 is amended by removing the phrase “loan and lease” and adding in its place “credit” wherever that phrase appears.

Board of Governors of the Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set forth in the preamble, chapter II of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 23. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1833(j), 1828(o), 1831, 1831o, 1831p-1, 1831r-1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, 3905–3909, and 5371; 15 U.S.C. 78b, 78l(b), 78l(i), 780–4(c)(5), 78q, 78q-1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

■ 24. In § 208.2, paragraph (d) is revised to read as follows:

§ 208.2 Definitions.

* * * * *

(d) *Capital stock and surplus* means, unless otherwise provided in this part, or by statute:

(1) Tier 1 and tier 2 capital included in a member bank's risk-based capital

(as defined in § 217.2 of this chapter); and

(2) The balance of a member bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in its tier 2 capital for calculation of risk-based capital, based on the bank's most recent Report of Condition and Income filed under 12 U.S.C. 324.

* * * * *

PART 211—INTERNATIONAL BANKING OPERATIONS (REGULATION K)

■ 25. The authority citation for part 211 continues to read as follows:

Authority: 12 U.S.C. 221 *et seq.*, 1818, 1835a, 1841 *et seq.*, 3101 *et seq.*, 3901 *et seq.*, and 5101 *et seq.*; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

Subpart A—International Operations of U.S. Banking Organizations

■ 26. In § 211.2, revise paragraph (c)(1) to read as follows:

§ 211.2 Definitions.

* * * * *

(c) *Capital and surplus* means, unless otherwise provided in this part:

(1) For organizations subject to 12 CFR part 217 (Regulation Q):

(i) Tier 1 and tier 2 capital included in an organization's risk-based capital (under Regulation Q); and

(ii) The balance of allowance for loan and lease losses or allowance for credit losses, as applicable, not included in an organization's tier 2 capital for calculation of risk-based capital, based on the organization's most recent consolidated Report of Condition and Income.

* * * * *

Subpart D—International Lending Supervision

■ 27. In § 211.43, revise paragraph (c)(4) to read as follows:

§ 211.43 Allocated transfer risk reserve.

* * * * *

(c) * * *

(4) *Alternative accounting treatment.* A banking institution is not required to establish an ATRR if it writes down in the period in which the ATRR is required, or has written down in prior periods, the value of the specified international assets in the requisite amount for each such asset. For purposes of this paragraph (c)(4), international assets may be written down by a charge to the Allowance for Loan and Lease Losses or the allowance for credit losses, as applicable, to the

extent permitted under U.S. generally accepted accounting principles, or a reduction in the principal amount of the asset by application of interest payments or other collections on the asset. However, the Allowance for Loan and Lease Losses or allowance for credit losses, as applicable, must be replenished in such amount necessary to restore it to a level which adequately provides for the estimated losses inherent in the banking institution's loan portfolio.

* * * * *

PART 215—LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS (REGULATION O)

■ 28. The authority citation for part 215 continues to read as follows:

Authority: 12 U.S.C. 248(a), 375a(10), 375b(9) and (10), 1468, 1817(k), 5412; and Pub. L. 102–242, 105 Stat. 2236 (1991).

■ 29. In § 215.2, revise paragraph (i)(2) to read as follows:

§ 215.2 Definitions.

* * * * *

(i) * * *

(2) The balance of the bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in the bank's tier 2 capital for purposes of the calculation of risk-based capital under the capital rules of the appropriate Federal banking agency, based on the bank's most recent consolidated reports of condition filed under 12 U.S.C. 1817(a)(3).

* * * * *

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 30. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 31. In § 217.2:

■ a. Add the definition of *Allowance for credit losses (ACL)* in alphabetical order;

■ b. Revise the definition of *Carrying value*;

■ c. Add the definition of *Current expected credit losses (CECL)* in alphabetical order; and

■ d. Revise the definition of *Eligible credit reserves* and paragraph (2) of the

definition of *Standardized total risk-weighted assets*.

The additions and revisions read as follows:

§ 217.2 Definitions.

* * * * *

Allowance for credit losses (ACL) means, with respect to a Board-regulated institution that has adopted CECL, valuation allowances that have been established through a charge against earnings or retained earnings for expected credit losses on financial assets measured at amortized cost and a lessor's net investment in leases that have been established to reduce the amortized cost basis of the assets to amounts expected to be collected as determined in accordance with GAAP. For purposes of this part, allowance for credit losses includes allowances for expected credit losses on off-balance sheet credit exposures not accounted for as insurance as determined in accordance with GAAP. Allowance for credit losses excludes "allocated transfer risk reserves" and allowances created that reflect credit losses on purchased credit-deteriorated assets and available-for-sale debt securities.

* * * * *

Carrying value means, with respect to an asset, the value of the asset on the balance sheet of a Board-regulated institution as determined in accordance with GAAP. For all assets other than available-for-sale debt securities or purchased credit-deteriorated assets, the carrying value is not reduced by any associated credit loss allowance that is determined in accordance with GAAP.

* * * * *

Current expected credit losses (CECL) means the current expected credit losses methodology under GAAP.

* * * * *

Eligible credit reserves means:

(1) For a Board-regulated institution that has not adopted CECL, all general allowances that have been established through a charge against earnings to cover estimated credit losses associated with on- or off-balance sheet wholesale and retail exposures, including the ALLL associated with such exposures, but excluding allocated transfer risk reserves established pursuant to 12 U.S.C. 3904 and other specific reserves created against recognized losses; and

(2) For a Board-regulated institution that has adopted CECL, all general allowances that have been established through a charge against earnings or retained earnings to cover expected

credit losses associated with on- or off-balance sheet wholesale and retail exposures, including ACL associated with such exposures. Eligible credit reserves exclude allocated transfer risk reserves established pursuant to 12 U.S.C. 3904, allowances that reflect credit losses on purchased credit-deteriorated assets and available-for-sale debt securities, and other specific reserves created against recognized losses.

* * * * *

Standardized total risk-weighted assets * * *

(2) Any amount of the Board-regulated institution's allowance for loan and lease losses or allowance for credit losses, as applicable, that is not included in tier 2 capital and any amount of "allocated transfer risk reserves."

* * * * *

§ 217.10 [Amended]

■ 32. In § 217.10(c)(3)(ii)(A), remove the words "allowance for loan and lease losses" and add in their place the words "allowance for loan and lease losses or allowance for credit losses, as applicable."

§§ 217.20(d)(3), 217.22, and 217.124 [Amended]

■ 33. In §§ 217.20, 217.22, and 217.124, remove "ALLL" everywhere it appears and add in its place "ALLL or ACL, as applicable."

§ 217.63 [Amended]

■ 34. In Table 5 to § 217.63, remove "allowance for loan and lease losses," and "allowance for loan and lease losses" and add in their place "allowance for loan and lease losses or allowance for credit losses, as applicable," and remove "ALLL" and add in its place "ALLL or ACL, as applicable."

■ 35. Amend § 217.173 as follows:

■ a. In Table 2, add paragraph (e);

■ b. In Table 3, revise paragraph (e), redesignate paragraph (f) as paragraph (g), and add a new paragraph (f); and

■ c. In Table 5, revise paragraphs (a), (e), and (g).

The additions and revisions read as follows:

§ 217.173 Disclosures by certain advanced approaches Board-regulated institutions.

* * * * *

TABLE 2 TO § 217.173—CAPITAL STRUCTURE

*	*	*	*	*	*	*
(e)		(1) Whether the Board-regulated institution has elected to phase in recognition of the transitional amounts as defined in § 217.300(f).				
		(2) The Board-regulated institution's common equity tier 1 capital, tier 1 capital, and total capital without including the transitional amounts as defined in § 217.300(f).				

TABLE 3 TO § 217.173—CAPITAL ADEQUACY

*	*	*	*	*	*	*
(e)		(1) Common equity tier 1, tier 1 and total risk-based capital ratios reflecting the transition provisions described in § 217.300(f):				
		(A) For the top consolidated group; and				
		(2) For each depository institution subsidiary.				
(f)		Common equity tier 1, tier 1 and total risk-based capital ratios reflecting the full adoption of CECL:				
		(1) For the top consolidated group; and				
		(2) For each depository institution subsidiary.				

TABLE 5¹ TO § 217.173—CREDIT RISK: GENERAL DISCLOSURES

*	*	*	*	*	*	*
Qualitative disclosures.	(a)	The general qualitative disclosure requirement with respect to credit risk (excluding counterparty credit risk disclosed in accordance with Table 7 to § 217.173), including:				
		(1) Policy for determining past due or delinquency status;				
		(2) Policy for placing loans on nonaccrual;				
		(3) Policy for returning loans to accrual status;				
		(4) Definition of and policy for identifying impaired loans (for financial accounting purposes);				
		(5) Description of the methodology that the entity uses to estimate its allowance for loan and lease losses or allowance for credit losses, as applicable, including statistical methods used where applicable;				
		(6) Policy for charging-off uncollectible amounts; and				
		(7) Discussion of the Board-regulated institution's credit risk management policy.				
*	*	*	*	*	*	*
	(e)	By major industry or counterparty type:				
		(1) Amount of impaired loans for which there was a related allowance under GAAP;				
		(2) Amount of impaired loans for which there was no related allowance under GAAP;				
		(3) Amount of loans past due 90 days and on nonaccrual;				
		(4) Amount of loans past due 90 days and still accruing; ⁴				
		(5) The balance in the allowance for loan and lease losses or allowance for credit losses, as applicable, at the end of each period, disaggregated on the basis of the entity's impairment method. To disaggregate the information required on the basis of impairment methodology, an entity shall separately disclose the amounts based on the requirements in GAAP; and				
		(6) Charge-offs during the period.				
*	*	*	*	*	*	*
	(g)	Reconciliation of changes in ALLL or ACL, as applicable. ⁶				

¹ Table 5 to § 217.173 does not cover equity exposures, which should be reported in Table 9.

⁴ A Board-regulated institution is encouraged also to provide an analysis of the aging of past-due loans.

⁶ The reconciliation should include the following: a description of the allowance; the opening balance of the allowance; charge-offs taken against the allowance during the period; amounts provided (or reversed) for estimated probable loan losses during the period; any other adjustments (for example, exchange rate differences, business combinations, acquisitions and disposals of subsidiaries), including transfers between allowances; and the closing balance of the allowance. Charge-offs and recoveries that have been recorded directly to the income statement should be disclosed separately.

■ 36. Add § 217.301 to read as follows:

§ 217.301 Current expected credit losses (CECL) transition.

(a) *CECL transition provision*—(1) A Board-regulated institution may elect to use a CECL transition provision

pursuant to this section only if the Board-regulated institution records a reduction in retained earnings due to the adoption of CECL as of the beginning of the fiscal year in which the

Board-regulated institution adopts CECL.

(2) A Board-regulated institution that elects to use the CECL transition provision must use the CECL transition provision in the first Call Report or FR Y-9C that includes CECL filed by the Board-regulated institution after it adopts CECL.

(3) A Board-regulated institution that does not elect to use the CECL transition provision as of the first Call Report or FR Y-9C that includes CECL filed as described in paragraph (a)(2) of this section may not elect to use the CECL transition provision in subsequent reporting periods.

(b) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Transition period* means the three-year period (twelve quarters) beginning the first day of the fiscal year in which a Board-regulated institution adopts CECL.

(2) *CECL transitional amount* means the decrease net of any DTAs in the amount of a Board-regulated institution's retained earnings as of the beginning of the fiscal year in which the Board-regulated institution adopts CECL from the amount of the Board-regulated institution's retained earnings as of the closing of the fiscal year-end immediately prior to the Board-regulated institution's adoption of CECL.

(3) *DTA transitional amount* means the increase in the amount of a Board-regulated institution's DTAs arising from temporary differences as of the beginning of the fiscal year in which the Board-regulated institution adopts CECL from the amount of the Board-regulated institution's DTAs arising from temporary differences as of the closing of the fiscal year-end immediately prior to the Board-regulated institution's adoption of CECL.

(4) *ACL transitional amount* means the difference in the amount of a Board-regulated institution's ACL as of the beginning of the fiscal year in which the Board-regulated institution adopts CECL and the amount of the Board-regulated institution's ALLL as of the closing of the fiscal year-end immediately prior to the Board-regulated institution's adoption of CECL.

(5) *Eligible credit reserves transitional amount* means the increase in the amount of a Board-regulated institution's eligible credit reserves as of the beginning of the fiscal year in which the Board-regulated institution adopts CECL from the amount of the Board-regulated institution's eligible credit reserves as of the closing of the fiscal year-end immediately prior to the

Board-regulated institution's adoption of CECL.

(c) *Calculation of CECL transition provision.* (1) For purposes of the election described in paragraph (a)(1) of this section, a Board-regulated institution must make the following adjustments in its calculation of regulatory capital ratios:

(i) Increase retained earnings by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase retained earnings by fifty percent of its CECL transitional amount during the second year of the transition period, and increase retained earnings by twenty-five percent of its CECL transitional amount during the third year of the transition period;

(ii) Decrease amounts of DTAs arising from temporary differences by seventy-five percent of its DTA transitional amount during the first year of the transition period, decrease amounts of DTAs arising from temporary differences by fifty percent of its DTA transitional amount during the second year of the transition period, and decrease amounts of DTAs arising from temporary differences by twenty-five percent of its DTA transitional amount during the third year of the transition period;

(iii) Decrease amounts of ACL by seventy-five percent of its ACL transitional amount during the first year of the transition period, decrease amounts of ACL by fifty percent of its ACL transitional amount during the second year of the transition period, and decrease amounts of ACL by twenty-five percent of its ACL transitional amount during the third year of the transition period; and

(iv) Increase average total consolidated assets as reported on the Call Report or FR Y-9C for purposes of the leverage ratio by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase average total consolidated assets as reported on the Call Report or FR Y-9C for purposes of the leverage ratio by fifty percent of its CECL transitional amount during the second year of the transition period, and increase average total consolidated assets as reported on the Call Report or FR Y-9C for purposes of the leverage ratio twenty-five percent of its CECL transitional amount during the third year of the transition period.

(2) For purposes of the election described in paragraph (a)(1) of this section, an advanced approaches Board-regulated institution must make the following additional adjustments to its calculation of regulatory capital ratios:

(i) Increase total leverage exposure for purposes of the supplementary leverage ratio by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase total leverage exposure for purposes of the supplementary leverage ratio by fifty percent of its CECL transitional amount during the second year of the transition period, and increase total leverage exposure for purposes of the supplementary leverage ratio by twenty-five percent of its CECL transitional amount during the third year of the transition period; and

(ii) An advanced approaches Board-regulated institution that has completed the parallel run process and has received notification from the Board pursuant to § 217.121(d) must decrease amounts of eligible credit reserves by seventy-five percent of its eligible credit reserves transitional amount during the first year of the transition period, decrease amounts of eligible credit reserves by fifty percent of its eligible credit reserves transitional amount during the second year of the transition period, and decrease amounts of eligible credit reserves by twenty-five percent of its eligible credit reserves transitional amount during the third year of the transition period.

(3) An advanced approaches Board-regulated institution that has completed the parallel run process and has received notification from the Board pursuant to § 217.121(d), whose amount of expected credit loss exceeded its eligible credit reserves immediately prior to the adoption of CECL, and that has an increase in common equity tier 1 capital as of the beginning of the fiscal year in which it adopts CECL after including the first year portion of the CECL transitional amount must decrease its CECL transitional amount used in paragraph (c) of this section by the full amount of its DTA transitional amount.

(4) Notwithstanding any other requirement in this section, for purposes of this paragraph (c)(4), in the event of a business combination involving Board-regulated institutions where one or both Board-regulated institutions have elected the treatment described in this section:

(i) If the acquirer Board-regulated institution (as determined under GAAP) elected the treatment described in this section, the acquirer Board-regulated institution must continue to use the transitional amounts (unaffected by the business combination) that it calculated as of the date that it adopted CECL through the end of its transition period.

(ii) If the acquired company (as determined under GAAP) elected the treatment described in this section, any

transitional amount of the acquired company does not transfer to the resulting Board-regulated institution.

PART 223—TRANSACTIONS BETWEEN MEMBER BANKS AND THEIR AFFILIATES (REGULATION W)

■ 37. The authority citation for part 223 continues to read as follows:

Authority: 12 U.S.C. 371c(b)(1)(E), (b)(2)(A), and (f), 371c–1(e), 1828(j), 1468(a), and section 312(b)(2)(A) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5412).

Subpart A—Introduction and Definitions

■ 38. In § 223.3, revise paragraph (d) to read as follows:

§ 223.3 What are the meanings of the other terms used in sections 23A and 23B and this part?

* * * * *

(d) *Capital stock and surplus* means the sum of:

(1) A member bank's tier 1 and tier 2 capital under the capital rules of the appropriate Federal banking agency, based on the member bank's most recent consolidated Report of Condition and Income filed under 12 U.S.C. 1817(a)(3);

(2) The balance of a member bank's allowance for loan and lease losses or allowance for credit losses, as applicable, not included in its tier 2 capital under the capital rules of the appropriate Federal banking agency, based on the member bank's most recent consolidated Report of Condition and Income filed under 12 U.S.C. 1817(a)(3); and

(3) The amount of any investment by a member bank in a financial subsidiary that counts as a covered transaction and is required to be deducted from the member bank's capital for regulatory capital purposes.

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

■ 39. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1831i, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3906, 3907 and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

■ 40. In § 225.127:

■ a. Remove “225.25(b)(6)” everywhere it appears and add in its place “225.28(b)(12)” and remove “§ 225.23” everywhere it appears and add in its place “§ 225.23 or § 225.24”; and

■ b. Revise paragraph (h).

The revision reads as follows:

§ 225.127 Investments in corporations or projects designed primarily to promote community welfare.

* * * * *

(h) For purposes of paragraph (f) of this section, five percent of the total consolidated capital stock and surplus of a bank holding company includes its total investment in projects described in paragraph (f) of this section, when aggregated with similar types of investments made by depository institutions controlled by the bank holding company. The term total consolidated capital stock and surplus of the bank holding company means total equity capital and the allowance for loan and lease losses or allowance for credit losses, as applicable, based on the bank holding company's most recent FR Y–9C (Consolidated Financial Statements for Holding Companies) or FR Y–9SP (Parent Company Only Financial Statements for Small Holding Companies).

PART 252—ENHANCED PRUDENTIAL STANDARDS (REGULATION YY)

■ 41. The authority citation for part 252 continues to read as follows:

Authority: 12 U.S.C. 321–338a, 481–486, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1844(c), 3101 *et seq.*, 3101 note, 3904, 3906–3909, 4808, 5361, 5362, 5365, 5366, 5367, 5368, 5371.

Subpart B—Company-Run Stress Test Requirements for Certain U.S. Banking Organizations With Total Consolidated Assets Over \$10 Billion and Less Than \$50 Billion

■ 42. In § 252.12, revise paragraph (m) to read as follows:

§ 252.12 Definitions.

* * * * *

(m) *Provision for credit losses* means:

(1) Until December 31, 2019:

(i) With respect to a bank holding company, savings and loan holding company, or state member bank that has not adopted the current expected credit losses methodology under U.S. generally accepted accounting principles (GAAP), the provision for loan and lease losses as reported on the FR Y–9C (and as would be reported on the FR Y–9C or Call Report, as appropriate, in the current stress test cycle); and,

(ii) With respect to a bank holding company, savings and loan holding company, or state member bank that has adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses, as would be calculated and reported on the

FR Y–9C or Call Report, as appropriate, by a bank holding company, savings and loan holding company, or state member bank that has not adopted the current expected credit losses methodology under GAAP; and

(2) Beginning January 1, 2020:

(i) With respect to a covered company that has adopted the current expected credit losses methodology under GAAP, the provision for credit losses, as would be reported by the bank holding company, savings and loan holding company, or state member bank on the FR Y–9C or Call Report, as appropriate, in the current stress test cycle; and

(ii) With respect to a bank holding company, savings and loan holding company, or state member bank that has not adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses as would be reported by the bank holding company, savings and loan holding company, or state member bank on the FR Y–9C or Call Report, as appropriate, in the current stress test cycle.

* * * * *

■ 43. In § 252.15, revise paragraphs (a)(1) and (2) to read as follows:

§ 252.15 Methodologies and practices.

(a) * * *

(1) Losses, pre-provision net revenue, provision for credit losses, and net income; and

(2) The potential impact on the regulatory capital levels and ratios applicable to the covered bank, and any other capital ratios specified by the Board, incorporating the effects of any capital action over the planning horizon and maintenance of an allowance for loan losses or allowance for credit losses, as appropriate, for credit exposures throughout the planning horizon.

* * * * *

■ 44. In § 252.16, revise paragraph (b)(3) to read as follows:

§ 252.16 Reports of stress test results.

* * * * *

(b) * * *

(3) For each quarter of the planning horizon, estimates of aggregate losses, pre-provision net revenue, provision for credit losses, net income, and regulatory capital ratios;

* * * * *

■ 45. In § 252.17, revise paragraphs (b)(1)(iii)(C), (b)(3)(iii)(C), and (c)(1) to read as follows:

§ 252.17 Disclosure of stress test results.

* * * * *

(b) * * *

(1) * * *

(iii) * * *

(C) Provision for credit losses;

* * * *

(3) * * *

(iii) * * *

(C) Provision for credit losses;

* * * *

(c) * * *

(1) The disclosure of aggregate losses, pre-provision net revenue, provision for credit losses, and net income that is required under paragraph (b) of this section must be on a cumulative basis over the planning horizon.

* * * *

Subpart E—Supervisory Stress Test Requirements for U.S. Bank Holding Companies With \$50 Billion or More in Total Consolidated Assets and Nonbank Financial Companies Supervised by the Board

■ 46. In § 252.42, revise paragraph (l) to read as follows:

§ 252.42 Definitions.

* * * *

(l) *Provision for credit losses* means:

(1) Until December 31, 2019:

(i) With respect to a covered company that has not adopted the current expected credit losses methodology under U.S. generally accepted accounting principles (GAAP), the provision for loan and lease losses as reported on the FR Y-9C (and as would be reported on the FR Y-9C in the current stress test cycle); and

(ii) With respect to a covered company that has adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses, as would be calculated and reported on the FR Y-9C by a covered company that has not adopted the current expected credit losses methodology under GAAP; and

(2) Beginning January 1, 2020:

(i) With respect to a covered company that has adopted the current expected credit losses methodology under GAAP, the provision for credit losses, as would be reported by the covered company on the FR Y-9C in the current stress test cycle; and,

(ii) With respect to a covered company that has not adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses as would be reported by the covered company on the FR Y-9C in the current stress test cycle.

* * * *

■ 47. In § 252.45, revise paragraph (b)(2) to read as follows:

§ 252.45 Data and information required to be submitted in support of the Board's analyses.

* * * *

(b) * * *

(2) Project a company's pre-provision net revenue, losses, provision for credit losses, and net income; and pro forma capital levels, regulatory capital ratios, and any other capital ratio specified by the Board under the scenarios described in § 252.44(b).

* * * *

Subpart F—Company-Run Stress Test Requirements for U.S. Bank Holding Companies With \$50 Billion or More in Total Consolidated Assets and Nonbank Financial Companies Supervised by the Board

■ 48. In § 252.52, revise paragraph (m) to read as follows:

§ 252.52 Definitions.

* * * *

(m) *Provision for credit losses* means:

(1) Until December 31, 2019:

(i) With respect to a covered company that has not adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses as reported on the FR Y-9C (and as would be reported on the FR Y-9C in the current stress test cycle); and

(ii) With respect to a covered company that has adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses, as would be calculated and reported on the FR Y-9C by a covered company that has not adopted the current expected credit losses methodology under GAAP; and

(2) Beginning January 1, 2020:

(i) With respect to a covered company that has adopted the current expected credit losses methodology under GAAP, the provision for credit losses, as would be reported by the covered company on the FR Y-9C in the current stress test cycle; and

(ii) With respect to a covered company that has not adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses as would be reported by the covered company on the FR Y-9C in the current stress test cycle.

* * * *

■ 49. In § 252.56, revise paragraphs (a)(1) and (2) to read as follows:

§ 252.56 Methodologies and practices.

(a) * * *

(1) Losses, pre-provision net revenue, provision for credit losses, and net income; and

(2) The potential impact on the regulatory capital levels and ratios applicable to the covered bank, and any other capital ratios specified by the Board, incorporating the effects of any capital action over the planning horizon and maintenance of an allowance for loan losses or allowance for credit losses, as appropriate, for credit exposures throughout the planning horizon.

* * * *

■ 50. In § 252.58, revise paragraphs (b)(2), (b)(3)(ii), and (c)(1)(ii) to read as follows:

§ 252.58 Disclosure of stress test results.

* * * *

(b) * * *

(2) A general description of the methodologies used in the stress test, including those employed to estimate losses, revenues, provision for credit losses, and changes in capital positions over the planning horizon;

(3) * * *

(ii) Provision for credit losses, realized losses or gains on available-for-sale and held-to-maturity securities, trading and counterparty losses or gains;

* * * *

(c) * * *

(1) * * *

(ii) Provision for credit losses, realized losses/gains on available-for-sale and held-to-maturity securities, trading and counterparty losses, and other losses or gain;

* * * *

Federal Deposit Insurance Corporation 12 CFR Chapter III

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation proposes to amend chapter III of title 12, Code of Federal Regulations as follows:

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 51. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102-233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102-242, 105 Stat. 2236, 2355, as amended by Pub. L. 103-325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102-242, 105 Stat. 2236, 2386, as amended by Pub. L. 102-550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111-203, 124 Stat. 1376, 1887 (15 U.S.C. 78o-7 note).

■ 52. Section 324.2 is amended by:

- a. Adding the definition of *Allowance for credit losses (ACL)* in alphabetical order;
- b. Revising the definitions of *Carrying value*;
- c. Adding the definition of *Current expected credit losses (CECL)* in alphabetical order; and
- d. Revising the definitions of *Eligible credit reserves* and *Identified losses* and paragraph (2) of the definition of *Standardized total risk-weighted assets*.

The additions and revisions read as follows:

§ 324.2 Definitions.

* * * * *

Allowance for credit losses (ACL) means, with respect to an FDIC-supervised institution that has adopted CECL, valuation allowances that have been established through a charge against earnings or retained earnings for expected credit losses on financial assets measured at amortized cost and a lessor's net investment in leases that have been established to reduce the amortized cost basis of the assets to amounts expected to be collected as determined in accordance with GAAP. For purposes of this part, allowance for credit losses includes allowances for expected credit losses on off-balance sheet credit exposures not accounted for as insurance as determined in accordance with GAAP. Allowance for credit losses excludes "allocated transfer risk reserves" and allowances created that reflect credit losses on purchased credit-deteriorated assets and available-for-sale debt securities.

* * * * *

Carrying value means, with respect to an asset, the value of the asset on the balance sheet of the FDIC-supervised institution as determined in accordance with GAAP. For all assets other than available-for-sale debt securities or purchased credit-deteriorated assets, the carrying value is not reduced by any associated credit loss allowance that is determined in accordance with GAAP.

* * * * *

Current expected credit losses (CECL) means the current expected credit losses methodology under GAAP.

* * * * *

Eligible credit reserves means:

(1) For an FDIC-supervised institution that has not adopted CECL, all general allowances that have been established through a charge against earnings to

cover estimated credit losses associated with on- or off-balance sheet wholesale and retail exposures, including the ALLL associated with such exposures, but excluding allocated transfer risk reserves established pursuant to 12 U.S.C. 3904 and other specific reserves created against recognized losses; and

(2) For an FDIC-supervised institution that has adopted CECL, all general allowances that have been established through a charge against earnings or retained earnings to cover expected credit losses associated with on- or off-balance sheet wholesale and retail exposures, including ACL associated with such exposures. Eligible credit reserves exclude allocated transfer risk reserves established pursuant to 12 U.S.C. 3904, allowances that reflect credit losses on purchased credit-deteriorated assets and available-for-sale debt securities, and other specific reserves created against recognized losses.

* * * * *

Identified losses means:

(1) When measured as of the date of examination of an FDIC-supervised institution, those items that have been determined by an evaluation made by a state or Federal examiner as of that date to be chargeable against income, capital and/or general valuation allowances such as the allowances for loan and lease losses (examples of identified losses would be assets classified loss, off-balance sheet items classified loss, any provision expenses that are necessary for the FDIC-supervised institution to record in order to replenish its general valuation allowances to an adequate level, liabilities not shown on the FDIC-supervised institution's books, estimated losses in contingent liabilities, and differences in accounts which represent shortages) or the allowance for credit losses; and

(2) When measured as of any other date, those items:

(i) That have been determined—

(A) By an evaluation made by a state or Federal examiner at the most recent examination of an FDIC-supervised institution to be chargeable against income, capital and/or general valuation allowances; or

(B) By evaluations made by the FDIC-supervised institution since its most recent examination to be chargeable against income, capital and/or general valuation allowances; and

(ii) For which the appropriate accounting entries to recognize the loss have not yet been made on the FDIC-supervised institution's books nor has the item been collected or otherwise settled.

* * * * *

Standardized total risk-weighted assets * * *

(2) Any amount of the FDIC-supervised institution's allowance for loan and lease losses or allowance for credit losses, as applicable, that is not included in tier 2 capital and any amount of "allocated transfer risk reserves."

* * * * *

§ 324.10 [Amended]

■ 53. Section 324.10(c)(3)(ii)(A) is amended by removing the words "allowance for loan and lease losses" and adding in their place the words "allowance for loan and lease losses or allowance for credit losses, as applicable,".

§§ 324.20, 324.22, and 324.124 [Amended]

■ 54. Sections 324.20, 324.22, and 324.124 are amended by removing "ALLL" everywhere it appears and adding in its place "ALLL or ACL, as applicable," except the second occurrence in § 324.20(d)(3) and in § 324.124(a) where "ALLL or ACL, as applicable" is added in its place.

§ 324.63 [Amended]

■ 55. Table 5 to § 324.63 is amended by removing "allowance for loan and lease losses," and "allowance for loan and lease losses" and adding in their place "allowance for loan and lease losses or allowance for credit losses, as applicable," and removing "ALLL" and adding in its place "ALLL or ACL, as applicable".

■ 56. Section 324.173 is amended:

■ a. In Table 2, by adding paragraph (e);

■ b. In Table 3, by revising paragraph (e), redesignating paragraph (f) as paragraph (g), and adding a new paragraph (f); and

■ c. In Table 5, by revising paragraphs (a), (e), and (g).

The additions and revisions read as follows:

§ 324.173 Disclosures by certain advanced approaches FDIC-supervised institutions.

* * * * *

TABLE 2 TO § 324.173—CAPITAL STRUCTURE

*	*	*	*	*	*	*
(e)	(1) Whether the FDIC-supervised institution has elected to phase in recognition of the transitional amounts as defined in § 324.300(f).	(2) The FDIC-supervised institution's common equity tier 1 capital, tier 1 capital, and total capital without including the transitional amounts as defined in § 324.300(f).				

TABLE 3 TO § 324.173—CAPITAL ADEQUACY

[illegible]

* * * * *

TABLE 5¹ TO § 324.173—CREDIT RISK: GENERAL DISCLOSURES

Qualitative disclosures.	(a)	The general qualitative disclosure requirement with respect to credit risk (excluding counterparty credit risk disclosed in accordance with Table 7 to § 324.173), including:
		(1) Policy for determining past due or delinquency status;
		(2) Policy for placing loans on nonaccrual;
		(3) Policy for returning loans to accrual status;
		(4) Definition of and policy for identifying impaired loans (for financial accounting purposes);
		(5) Description of the methodology that the entity uses to estimate its allowance for loan and lease losses or allowance for credit losses, as applicable, including statistical methods used where applicable;
		(6) Policy for charging-off uncollectible amounts; and
		(7) Discussion of the FDIC-supervised institution's credit risk management policy.
*	*	*
	(e)	By major industry or counterparty type:
		(1) Amount of impaired loans for which there was a related allowance under GAAP;
		(2) Amount of impaired loans for which there was no related allowance under GAAP;
		(3) Amount of loans past due 90 days and on nonaccrual;
		(4) Amount of loans past due 90 days and still accruing; ⁴
		(5) The balance in the allowance for loan and lease losses or allowance for credit losses, as applicable, at the end of each period, disaggregated on the basis of the entity's impairment method. To disaggregate the information required on the basis of impairment methodology, an entity shall separately disclose the amounts based on the requirements in GAAP; and
		(6) Charge-offs during the period.
*	*	*
	(g)	Reconciliation of changes in ALLL or ACL, as applicable. ⁶
*	*	*

¹ Table 5 to § 324.173 does not cover equity exposures, which should be reported in Table 9 to § 324.173.

⁴ An FDIC-supervised institution is encouraged also to provide an analysis of the aging of past-due loans.

⁶The reconciliation should include the following: A description of the allowance; the opening balance of the allowance; charge-offs taken against the allowance during the period; amounts provided (or reversed) for estimated probable loan losses during the period; any other adjustments (for example, exchange rate differences, business combinations, acquisitions and disposals of subsidiaries), including transfers between allowances; and the closing balance of the allowance. Charge-offs and recoveries that have been recorded directly to the income statement should be disclosed separately.

* * * * *

■ 57. Add § 324.301 to read as follows:

\$ 324.301 Current expected credit losses (CECL) transition.

(a) *CECL transition provision*—(1) An FDIC-supervised institution may elect to use a CECL transition provision

pursuant to this section only if the FDIC-supervised institution records a reduction in retained earnings due to the adoption of CECL as of the beginning of the fiscal year in which the

FDIC-supervised institution adopts CECL.

(2) An FDIC-supervised institution that elects to use the CECL transition provision must use the CECL transition provision in the first Call Report that includes CECL filed by the FDIC-supervised institution after it adopts CECL.

(3) An FDIC-supervised institution that does not elect to use the CECL transition provision as of the first Call Report that includes CECL filed as described in paragraph (a)(2) of this section may not elect to use the CECL transition provision in subsequent reporting periods.

(b) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Transition period* means the three-year period (twelve quarters) beginning the first day of the fiscal year in which an FDIC-supervised institution adopts CECL.

(2) *CECL transitional amount* means the decrease net of any DTAs in the amount of an FDIC-supervised institution's retained earnings as of the beginning of the fiscal year in which the FDIC-supervised institution adopts CECL from the amount of the FDIC-supervised institution's retained earnings as of the closing of the fiscal year-end immediately prior to the FDIC-supervised institution's adoption of CECL.

(3) *DTA transitional amount* means the increase in the amount of an FDIC-supervised institution's DTAs arising from temporary differences as of the beginning of the fiscal year in which the FDIC-supervised institution adopts CECL from the amount of the FDIC-supervised institution's DTAs arising from temporary differences as of the closing of the fiscal year-end immediately prior to the FDIC-supervised institution's adoption of CECL.

(4) *ACL transitional amount* means the difference in the amount of an FDIC-supervised institution's ACL as of the beginning of the fiscal year in which the FDIC-supervised institution adopts CECL and the amount of the FDIC-supervised institution's ALLL as of the closing of the fiscal year-end immediately prior to the FDIC-supervised institution's adoption of CECL.

(5) *Eligible credit reserves transitional amount* means the increase in the amount of a FDIC-supervised institution's eligible credit reserves as of the beginning of the fiscal year in which the FDIC-supervised institution adopts CECL from the amount of the FDIC-supervised institution's eligible credit reserves as of the closing of the fiscal

year-end immediately prior to the FDIC-supervised institution's adoption of CECL.

(c) *Calculation of CECL transition provision.* (1) For purposes of the election described in paragraph (a)(1) of this section, an FDIC-supervised institution must make the following adjustments in its calculation of regulatory capital ratios:

(i) Increase retained earnings by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase retained earnings by fifty percent of its CECL transitional amount during the second year of the transition period, and increase retained earnings by twenty-five percent of its CECL transitional amount during the third year of the transition period;

(ii) Decrease amounts of DTAs arising from temporary differences by seventy-five percent of its DTA transitional amount during the first year of the transition period, decrease amounts of DTAs arising from temporary differences by fifty percent of its DTA transitional amount during the second year of the transition period, and decrease amounts of DTAs arising from temporary differences by twenty-five percent of its DTA transitional amount during the third year of the transition period;

(iii) Decrease amounts of ACL by seventy-five percent of its ACL transitional amount during the first year of the transition period, decrease amounts of ACL by fifty percent of its ACL transitional amount during the second year of the transition period, and decrease amounts of ACL by twenty-five percent of its ACL transitional amount during the third year of the transition period; and

(iv) Increase average total consolidated assets as reported on the Call Report for purposes of the leverage ratio by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase average total consolidated assets as reported on the Call Report for purposes of the leverage ratio by fifty percent of its CECL transitional amount during the second year of the transition period, and increase average total consolidated assets as reported on the Call Report for purposes of the leverage ratio twenty-five percent of its CECL transitional amount during the third year of the transition period.

(2) For purposes of the election described in paragraph (a)(1) of this section, an advanced approaches FDIC-supervised institution must make the following additional adjustments to its calculation of regulatory capital ratios:

(i) Increase total leverage exposure for purposes of the supplementary leverage ratio by seventy-five percent of its CECL transitional amount during the first year of the transition period, increase total leverage exposure for purposes of the supplementary leverage ratio by fifty percent of its CECL transitional amount during the second year of the transition period, and increase total leverage exposure for purposes of the supplementary leverage ratio by twenty-five percent of its CECL transitional amount during the third year of the transition period; and

(ii) An advanced approaches FDIC-supervised institution that has completed the parallel run process and has received notification from the FDIC pursuant to § 324.121(d) must decrease amounts of eligible credit reserves by seventy-five percent of its eligible credit reserves transitional amount during the first year of the transition period, decrease amounts of eligible credit reserves by fifty percent of its eligible credit reserves transitional amount during the second year of the transition provision, and decrease amounts of eligible credit reserves by twenty-five percent of its eligible credit reserves transitional amount during the third year of the transition period.

(3) An advanced approaches FDIC-supervised institution that has completed the parallel run process and has received notification from the FDIC pursuant to § 324.121(d), whose amount of expected credit loss exceeded its eligible credit reserves immediately prior to the adoption of CECL, and that has an increase in common equity tier 1 capital as of the beginning of the fiscal year in which it adopts CECL after including the first year portion of the CECL transitional amount must decrease its CECL transitional amount used in paragraph (c) of this section by the full amount of its DTA transitional amount.

(4) Notwithstanding any other requirement in this section, for purposes of this paragraph (c)(4), in the event of a business combination involving FDIC-supervised institutions where one or both FDIC-supervised institutions have elected the treatment described in this section:

(i) If the acquirer FDIC-supervised institution (as determined under GAAP) elected the treatment described in this section, the acquirer FDIC-supervised institution must continue to use the transitional amounts (unaffected by the business combination) that it calculated as of the date that it adopted CECL through the end of its transition period.

(ii) If the acquired insured depository institution (as determined under GAAP) elected the treatment described in this

section, any transitional amount of the acquired insured depository institution does not transfer to the resulting FDIC-supervised institution.

PART 325—ANNUAL STRESS TEST

■ 58. The authority citation for part 325 continues to read as follows:

Authority: 12 U.S.C. 5365(i)(2); 12 U.S.C. 5412(b)(2)(C); 12 U.S.C. 1818, 12 U.S.C. 1819(a)(Tenth), 12 U.S.C. 1831o, and 12 U.S.C. 1831p–1.

■ 59. Section 325.2(g) is revised to read as follows:

§ 325.2 Definitions.

* * * * *

(g) *Provision for credit losses* means:

(1) Until December 31, 2019:

(i) With respect to a state nonmember bank or state savings association that has not adopted the current expected credit losses methodology under U.S. generally accepted accounting principles (GAAP), the provision for loan and lease losses as reported on the Call Report in the current stress test cycle; and,

(ii) With respect to a state nonmember bank or state savings association that has adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses, as would be calculated and reported on the Call Report by a state nonmember bank or state savings association that has not adopted the current expected credit losses methodology under GAAP; and

(2) Beginning January 1, 2020:

(i) With respect to a state nonmember bank or state savings association that has adopted the current expected credit losses methodology under GAAP, the provision for credit losses, as reported in the Call Report in the current stress test cycle; and

(ii) With respect to a state nonmember bank or state savings association that has not adopted the current expected credit losses methodology under GAAP, the provision for loan and lease losses as would be reported in the Call Report in the current stress test cycle.

* * * * *

■ 60. Section 325.5(a)(1) and (2) are revised to read as follows:

§ 325.5 Methodologies and practices.

(a) * * *

(1) Pre-provision net revenues, losses, provision for credit losses, and net income; and

(2) The potential impact on the regulatory capital levels and ratios applicable to the covered bank, and any other capital ratios specified by the Corporation, incorporating the effects of any capital action over the planning

horizon and maintenance of an allowance for loan losses or allowance for credit losses, as appropriate, for credit exposures throughout the planning horizon.

* * * * *

■ 61. Section 325.6(b)(1) is revised to read as follows:

§ 325.6 Required reports of stress test results to the FDIC and the Board of Governors of the Federal Reserve System.

* * * * *

(b) * * *

(1) The reports required under paragraph (a) of this section must include under the baseline scenario, adverse scenario, severely adverse scenario and any other scenario required by the FDIC under this part, a description of the types of risks being included in the stress test, a summary description of the methodologies used in the stress test, and, for each quarter of the planning horizon, estimates of aggregate losses, pre-provision net revenue, provision for credit losses, net income, and pro forma capital ratios (including regulatory and any other capital ratios specified by the FDIC). In addition, the report must include an explanation of the most significant causes for the changes in regulatory capital ratios and any other information required by the FDIC.

* * * * *

■ 62. Section 325.7 is amended by revising paragraphs (c)(3) and (d)(1) to read as follows:

§ 325.7 Publication of stress test results.

* * * * *

(c) * * *

(3) Estimates of aggregate losses, pre-provision net revenue, provision for credit losses, net income, and pro forma capital ratios (including regulatory and any other capital ratios specified by the FDIC); and

* * * * *

(d) * * *

(1) The disclosure of aggregate losses, pre-provision net revenue, provisions for credit losses, and net income under this section must be on a cumulative basis over the planning horizon.

* * * * *

PART 327—ASSESSMENTS

■ 63. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1813, 1815, 1817–19, 1821.

Subpart A—In General

§ 327.16 [Amended]

■ 64. Section 327.16 is amended by removing the words “allowance for loan

and lease financing receivable losses (ALLL)” and adding in their place the words “allowance for loan and lease financing receivable losses (ALLL) or allowance for credit losses, as applicable”.

PART 347—INTERNATIONAL BANKING

■ 65. The authority citation for part 347 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 1828, 3103, 3104, 3105, 3108, 3109; Pub L. 111–203, section 939A, 124 Stat. 1376, 1887 (July 21, 2010) (codified 15 U.S.C. 78o–7 note).

Subpart C—International Lending

■ 66. Section 347.303 is amended by revising paragraphs (c)(2) and (4) to read as follows:

§ 347.303 Allocated transfer risk reserve.

* * * * *

(c) * * *

(2) *Separate accounting.* A banking institution shall account for an ATRR separately from the Allowance for Loan and Lease Losses or allowance for credit losses, as applicable, and shall deduct the ATRR from “gross loans and leases” to arrive at “net loans and lease.” The ATRR must be established for each asset subject to the ATRR in the percentage amount specified.

* * * * *

(4) *Alternative accounting treatment.*

A banking institution need not establish an ATRR if it writes down in the period in which the ATRR is required, or has written down in prior periods, the value of the specified international assets in the requisite amount for each such asset. For purposes of this paragraph (c)(4), international assets may be written down by a charge to the Allowance for Loan and Lease Losses or allowance for credit losses, as applicable, or a reduction in the principal amount of the asset by application of interest payments or other collections on the asset; provided, that only those international assets that may be charged to the Allowance for Loan and Lease Losses or allowance for credit losses, as applicable, pursuant to U.S. generally accepted accounting principles may be written down by a charge to the Allowance for Loan and Lease Losses or allowance for credit losses, as applicable. However, the Allowance for Loan and Lease Losses or allowance for credit losses, as applicable, must be replenished in such amount necessary to restore it to a level which adequately provides for the estimated losses

inherent in the banking institution's
loan and lease portfolio.

* * * * *

**PART 390—REGULATIONS
TRANSFERRED FROM THE OFFICE OF
THRIFT SUPERVISION**

■ 67. The authority citation for part 390
continues to read as follows:

Authority: 12 U.S.C. 1819.

Subpart T—Accounting Requirements

§ 390.384 [Amended]

■ 68. In the appendix to § 390.384,
remove “provision for loan losses”
everywhere it appears and add in its
place “provision for loan losses or
provision for credit losses, as
applicable”.

Dated: April 17, 2018.

Joseph M. Otting,
Comptroller of the Currency.

By order of the Board of Governors of the
Federal Reserve System, April 16, 2018.

Ann E. Misback,
Secretary of the Board.

Dated at Washington, DC this 17th day of
April, 2018.

By order of the Board of Directors.
Federal Deposit Insurance Corporation.

Valerie Best,
Assistant Executive Secretary.

[FR Doc. 2018–08999 Filed 5–11–18; 8:45 am]

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FEDERAL REGISTER

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Part III

The President

Executive Order 13832—Enhancing Noncompetitive Civil Service
Appointments of Military Spouses

Presidential Documents

Title 3—**Executive Order 13832 of May 9, 2018****The President****Enhancing Noncompetitive Civil Service Appointments of Military Spouses**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1784 of title 10, United States Code, and sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Definitions. (a) “Military spouse” means:

- (i) the husband or wife of a member of the Armed Forces who, as determined by the Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member’s new permanent duty station;
- (ii) the husband or wife of a totally disabled retired or separated member of the Armed Forces; or
- (iii) the unremarried widow or widower of a member of the Armed Forces killed while performing active duty.

(b) “Member of the Armed Forces” has the meaning set forth in 5 CFR 315.612(b)(4).

(c) “Agency” has the meaning set forth in section 3330d of title 5, United States Code.

(d) “Military spouse hiring authority” shall refer to the appointment authority set forth in 5 U.S.C. 3330d and 5 CFR 315.612.

Sec. 2. Policy. (a) Military spouses make critical contributions to the personal and financial success of our military families. Military service of spouses, however, often impairs the spouse’s ability to obtain and maintain employment, and to achieve career goals. Multiple and frequent relocations make it challenging for military spouses to maintain the home front, to comply with licensure and other job requirements, and to obtain adequate childcare.

(b) It shall be the policy of the United States to enhance employment support for military spouses. This policy will assist agencies in tapping into a pool of talented individuals and will promote the national interest of the United States and the well-being of our military families. It will also help retain members of the Armed Forces, enhance military readiness, recognize the tremendous sacrifices and service of the members of our Armed Forces and their families, and decrease the burden of regulations that can inhibit the entry of military spouses into the workforce.

Sec. 3. Promoting Hiring for Military Spouses. (a) To the greatest extent possible consistent with hiring needs, agencies shall, when filling vacant positions in the competitive service, indicate in job opportunity announcements (JOAs) that they will consider candidates under the military spouse hiring authority in addition to candidates identified on the competitive or merit promotion certificate for the position as well as those candidates identified through any other hiring authority a JOA indicates an agency will consider.

(b) Agencies shall actively advertise and promote the military spouse hiring authority and actively solicit applications from military spouses for posted and other agency positions (including through USAJOBS).

(c) The Office of Personnel Management (OPM) shall consider whether changes to 5 CFR 315.612 are appropriate to account for cases in which

there are no agency job openings within the geographic area of the permanent duty station of the member of the Armed Forces for which the member's spouse is qualified.

(d) OPM shall also periodically circulate notifications concerning the military spouse hiring authority and its eligibility requirements to each agency's Chief Human Capital Officer or the agency's equivalent officer, for such officer to transmit to appropriate offices and to notify eligible populations. Within 180 days of the date of this order, OPM shall post to its website, and circulate to each agency's Chief Human Capital Officer or the agency's equivalent officer, information about the military spouse hiring authority. That posting shall include a discussion of section 1131 of the National Defense Authorization Act for Fiscal Year 2017, Public Law 114–328, which amended 5 U.S.C. 3330d(c) to eliminate the time limitation on noncompetitive appointment for a relocating spouse of a member of the Armed Forces.

(e) Within 180 days of the date of this order, OPM shall educate agencies concerning the military spouse hiring authority and ensure human resources personnel and hiring managers are briefed on techniques for its effective use. Concurrently, within 180 days of the date of this order, OPM shall provide any additional clarifying guidance it deems appropriate to agencies on provisions of the Telework Enhancement Act of 2010, Public Law 111–292, and agencies shall ensure that human resources personnel and hiring managers are briefed as needed on techniques for the effective use of telework.

(f) Beginning in Fiscal Year 2019, agencies shall report annually (by December 31 of each year) to OPM and the Department of Labor the number of positions made available under the military spouse hiring authority, the number of applications submitted under the military spouse hiring authority, and the number of military spouses appointed under the military spouse hiring authority during the preceding fiscal year. Such report shall also describe actions taken during that period to advertise the military spouse hiring authority, as well as any other actions taken to promote the hiring of military spouses.

Sec. 4. *Administrative Provisions.* (a) The Director of OPM shall administer this order and shall, in coordination with the Secretary of Labor, through the Assistant to the President for Domestic Policy, provide an annual report to the President regarding the implementation of this order and any recommendations for improving the hiring of military spouses, including steps to enhance the effectiveness of the military spouse hiring authority.

(b) The annual report described in subsection (a) of this section shall also include recommendations, developed in consultation with the Secretary of Defense and the Secretary of Homeland Security, for actions that could be taken to improve license portability and remove barriers to the employment of military spouses.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
May 9, 2018.

Reader Aids

Federal Register

Vol. 83, No. 93

Monday, May 14, 2018

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000****Laws** **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000****The United States Government Manual** **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**Privacy Act Compilation **741-6050**Public Laws Update Service (numbers, dates, etc.) **741-6043**

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FEDERAL REGISTER PAGES AND DATE, MAY

18913-19156.....	1
19157-19426.....	2
19427-19602.....	3
19603-19904.....	4
19905-20706.....	7
20707-21164.....	8
21165-21706.....	9
21707-21840.....	10
21841-22176.....	11
22177-22346.....	14

CFR PARTS AFFECTED DURING MAY

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.

1 CFR	2018.....22175
426.....	19408, 19414
3 CFR	
Proclamations:	
9704 (Amended by 9739).....	20677
9705 (Amended by 9740).....	20683
9710 (Amended by 9739).....	20677
9711 (Amended by 9740).....	20683
9729.....	19155
9730.....	19425
9731.....	19599
9732.....	19601
9733.....	19893
9734.....	19895
9735.....	19897
9736.....	19899
9737.....	19901
9738.....	19903
9739.....	20677
9740.....	20683
9741.....	20713
9742.....	22165
9743.....	22167
9744.....	22169
9745.....	22171
Executive Orders:	
13198 (Amended by EO 13831).....	20715
13280 (Amended by EO 13831).....	20715
13342 (Amended by EO 13831).....	20715
13397 (Amended by EO 13831).....	20715
13559 (Amended by EO 13831).....	20715
13199 (Revoked by EO 13831).....	20715
13498 (Revoked by EO 13831).....	20715
13831.....	20715
13832.....	22343
Administrative Orders:	
Memorandums:	
Memorandum of April 26, 2018.....	19157
Notices:	
May 9, 2018.....	21839
Presidential Determinations:	
No. 2018-05 of April 20, 2018.....	20707
No. 2018-06 of April 30, 2018.....	20709
No. 2018-07 of April 30, 2018.....	20711
Notice of May 10,	
6 CFR	
Proposed Rules:	
5.....	19020, 20738
7 CFR	
2.....	22177
250.....	18913
925.....	21165
984.....	21841
1006.....	21843
1409.....	22177
1773.....	19905
3419.....	21846
Proposed Rules:	
66.....	19860
930.....	21941
945.....	21188
1255.....	22213
10 CFR	
75.....	19603
Proposed Rules:	
Ch. I.....	19464
12 CFR	
201.....	21167
1026.....	19159
Proposed Rules:	
1.....	22312
3.....	22312
5.....	22312
23.....	22312
24.....	22312
32.....	22312
34.....	22312
46.....	22312
208.....	22312
211.....	22312
215.....	22312
217.....	22312
223.....	22312
225.....	22312
252.....	22312
324.....	22312
325.....	22312
327.....	22312
347.....	22312
390.....	22312
1290.....	19188
1291.....	19188
13 CFR	
120.....	19915, 19921
14 CFR	
23.....	19427, 21850
25.....	18934, 19176
39.....	19176, 19615, 19922, 19925, 19928, 20719, 21169, 21855, 21858, 21861, 21867

71	.....19617, 19930, 19931, 19933, 21870, 21871	507	.....22193	165	.....19025, 19189, 22225	2	.....19976
73	.....18938	573	.....19934	37 CFR		8	.....21927
97	.....20725, 20728	600	.....19936	Proposed Rules:		20	.....21927
Proposed Rules:		880	.....19626	42	.....21221	51	.....22208
21	.....19021	1308	.....21826	38 CFR		54	.....18948, 18951
25	.....22214	Proposed Rules:		3	.....20735	63	.....21181
39	.....19466, 19648, 19983, 20740, 20743, 20745, 20748, 20751, 21191, 21194, 21196, 21199, 21946, 21948, 21951, 21953, 21955, 21962, 21964, 21966, 22219, 22222	201	.....22224	17	.....21893, 21897	64	.....18951, 21723
71	.....19469, 19471, 19472, 19474, 19650, 19653, 19655, 19986, 19987, 21968, 21970	343	.....22224	40 CFR		73	.....19186, 19459, 22209
Chapter II	.....21684	1308	.....21834	52	.....19438, 19631, 19637, 21174, 21178, 21719, 21907, 21909, 22203, 22207	76	.....19461
17 CFR		22 CFR		62	.....19184	90	.....19976
232	.....22190	50	.....21872	180	.....19968, 19972	Proposed Rules:	
249	.....22190	51	.....21872	Proposed Rules:		Chapter I	.....21747
Proposed Rules:		23 CFR		49	.....20775	0	.....20011
210	.....20753	710	.....21709	51	.....19026	1	.....19660
240	.....21416, 21574	Proposed Rules:		52	.....19191, 19194, 19476, 19479, 19483, 19495, 19497, 20002, 21226, 21233, 21235, 21238, 21977, 22227	2	.....19660, 20011
249	.....21416	625	.....21972	55	.....21254	15	.....19660
275	.....21203	26 CFR		62	.....19195	25	.....19660, 21746
279	.....21416	54	.....19431	63	.....19499	30	.....19660
18 CFR		29 CFR		81	.....21238, 21977, 22235	54	.....19196
37	.....21342	1910	.....19936	152	.....20004	64	.....21983
19 CFR		2590	.....19431	156	.....20004	73	.....21995
201	.....21140	Proposed Rules:		174	.....20004	76	.....19033
210	.....21140	1910	.....19989	180	.....20004, 20008	90	.....20011
20 CFR		30 CFR		42 CFR		101	.....19660
404	.....21707	Proposed Rules:		414	.....21912	48 CFR	
Proposed Rules:		250	.....22128	431	.....19440	Ch. 1	.....19144, 19150
404	.....20646	926	.....20773	Proposed Rules:		16	.....19145
416	.....20646	938	.....20774	10	.....20008	19	.....19146
21 CFR		31 CFR		411	.....21018	22	.....19148
1	.....22193	408	.....18939	412	.....20164, 20972, 21104	49	.....19149
11	.....20731, 22193	32 CFR		413	.....20164, 21018	52	.....19148
16	.....22193	291	.....19179	418	.....20934	201	.....19641
101	.....19619, 20731	2004	.....19950	424	.....20164, 21018	212	.....19641
102	.....19429	33 CFR		495	.....20164	215	.....19645
106	.....22193	100	.....19179, 19628, 19630, 21171, 22194	45 CFR		246	.....19641
110	.....22193	117	.....19630, 21710, 21711, 22199	144	.....19431	252	.....19641
111	.....22193	147	.....20733	146	.....19431	Proposed Rules:	
112	.....22193	165	.....18941, 18943, 18946, 19436, 19963, 19965, 21712, 21714, 21716, 21717, 21876, 21883, 21885, 21886, 21888, 22201	147	.....19431, 21925	Appx. I Ch. 2	.....19677
114	.....22193	326	.....19180	153	.....21925	219	.....19677
117	.....22193	Proposed Rules:		154	.....21925	49 CFR	
120	.....22193	100	.....19656	155	.....21925	1040	.....19647
123	.....22193	117	.....19659	156	.....21925	50 CFR	
129	.....22193	151	.....21214	157	.....21925	17	.....21928
179	.....22193	Proposed Rules:		158	.....21925	222	.....21738
211	.....22193	100	.....19656	47 CFR		224	.....21182
211	.....22193	117	.....19659	1	.....19186, 19440, 21722, 21927	622	.....22210

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**.

Last List May 11, 2018

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