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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0667; Product Identifier 2016–SW–053–AD; Amendment 39–19281; AD 2018–10–06]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Bell Model 407 helicopters. This AD requires repetitive inspections of the tail rotor (TR) driveshaft segment assemblies and a torque check of the TR adapter retention nuts. This AD was prompted by a report of an in-flight failure of the TR drive system. The actions of this AD are intended to detect and correct an unsafe condition on these products.

DATES: This AD is effective June 25, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of June 25, 2018.

ADDRESSES: For service information identified in this final rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0667.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0667; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the Transport Canada AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On July 7, 2017, at 82 FR 31535, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 407 helicopters. The NPRM proposed to require repetitively inspecting each TR driveshaft segment assembly for rotational and axial play between the adapter and the TR driveshaft. The NPRM also proposed a one-time verification of the installation torque of each adapter retention nut. The proposed requirements were intended to detect a loose TR driveshaft splined connection, which if not corrected could result in wear in the splines, failure of the TR drive system, and subsequent loss of directional control of the helicopter.

The NPRM was prompted by AD No. CF–2016–21, dated July 7, 2016 (AD CF–2016–21), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Bell Model 407 helicopters. Transport Canada advises that a Model 407 helicopter experienced in-flight failure of the TR drive system, which resulted in loss of directional control. According to Transport Canada, the splines connecting the adapter part number (P/N) 406–040–328–105 to the shaft assembly P/N 407–040–330–107 were ''severely worn and no longer capable of performing their function.'' The investigation revealed other Model 407 helicopters with the same axial and radial play or looseness of some splined connections. AD CF–2016–21 states that these parts should be clamped together with threaded fasteners with no detectable looseness. Transport Canada advises that undetected looseness at the splined connection could result in wear of the parts and eventual loss of directional control of the helicopter.

For these reasons, AD CF–2016–21 requires a repetitive inspection of the TR driveshaft assemblies for play and a one-time torque verification of the TR adapter retention nuts.

Since the NPRM was issued, the FAA's Aircraft Certification Service has changed its organization structure. The new structure replaces product directorates with functional divisions. We have revised some of the office titles and nomenclature throughout this Final rule to reflect the new organizational changes. Additional information about the new structure can be found in the Notice published on July 25, 2017 (82 FR 34564).

Comments

After our NPRM was published, we received comments from two commenters.

Request

Westwind Helicopters questioned the need for the AD. In support, it stated that the AD inspections are identical to the periodic and progressive inspections in the Bell maintenance manual and to the one-time inspection in Bell Alert Service Bulletin (ASB) 407–16–113, dated February 12, 2016 (ASB 407–16–113). The commenter noted the AD would result in multiple documentation requirements for operators for the same maintenance item. The commenter did not request a change to the AD.

We partially agree. The commenter is correct that the AD may result in additional documentation. However, while an operator may incorporate the procedures described in the Bell maintenance manuals and ASB into its maintenance program, not all operators are required to do so. In order for the inspections to become mandatory, and to correct the unsafe condition

identified in the NPRM, the FAA must issue an AD.

Bell requested that a statement be added to the AD that accomplishing the Bell ASB meets the intent of the AD and that no further action is required.

We partially agree. Operators may take credit for inspections previously accomplished in accordance with ASB 407–16–113 under paragraph (d) of the AD. However, we disagree that no further action is required because this AD requires repetitive inspections of the TR driveshaft, whereas ASB 407–16–113 specifies a one-time inspection.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in its AD. We are issuing this AD because we evaluated all information provided by Transport Canada, reviewed the relevant information, considered the comments received, and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information Under 1 CFR Part 51

We reviewed ASB 407–16–113, which specifies procedures for inspecting the TR driveshaft assemblies for noticeable rotational or axial play between each adapter and TR driveshaft. ASB 407–16–113 also specifies procedures for performing a torque check of each TR adapter retention nut on the four TR driveshaft segments.

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.

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**.

Costs of Compliance

We estimate this AD affects 667 helicopters of U.S. Registry. We estimate that operators will incur the following costs in order to comply with this AD. At an average labor rate of $85 per work-hour, inspecting the TR driveshaft segments and adapters for play requires about 1 work-hour, for a cost per helicopter of $85, and a cost of $56,695 to the U.S. fleet per inspection cycle.

Determining the torque of the four adapter retention nuts requires about 3 work-hours for a cost per helicopter of $255 and a cost of $170,085 to the U.S. fleet.

If required, repairing a worn driveshaft adapter would require about 3 work-hours, and required parts cost about $1,259, for a cost per helicopter of $1,514.

Replacing an adapter retention nut requires about 1 work-hour, and required parts cost are negligible, for a cost of $85 per helicopter and $56,695 for the U.S. fleet per inspection cycle.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–10–06 Bell Helicopter Textron Canada Limited (Bell): Amendment 39–19281; Docket No. FAA–2017–0667; Product Identifier 2017–SW–053–AD.

(a) Applicability

This AD applies to Bell Model 407 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a loose tail rotor (TR) driveshaft splined connection, which if not corrected could result in wear in the splines, failure of the TR drive system, and subsequent loss of directional control of the helicopter.

(c) Effective Date

This AD becomes effective June 25, 2018.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

For helicopters with less than 4,000 hours time-in-service (TIS), within 100 hours TIS, and for helicopters with 4,000 or more hours TIS, within 50 hours TIS:

(1) Inspect each TR driveshaft segment assembly for rotational and axial play between the adapter and the TR driveshaft at the four positions depicted in Figure 1 of Bell Alert Service Bulletin (ASB) 407–16–113, dated February 12, 2016 (ASB 407–16–113). If there is any axial or rotational play, remove the adapter from the TR driveshaft segment assembly and inspect the adapter, washers, and TR driveshaft for damage. Replace the adapter retention nut and apply a torque of 30 to 50 inch-pounds (5.7 to 7.9 Nm). Replace any part with damage or repair the part if the damage is within the maximum repair damage limitations.

(2) Determine the torque of each TR adapter retention nut at each of the four segment assembly positions depicted in Figure 1 of Bell ASB 407–16–113. If the torque is less than 30 inch-pounds (5.7 Nm), remove the adapter from the TR driveshaft

segment assembly and inspect the adapter, washers, and TR driveshaft for damage. Replace the adapter retention nut and apply a torque of 30 to 50 inch-pounds (5.7 to 7.9 Nm). Replace any part with damage or repair the part if the damage is within the maximum repair damage limitations.

(3) Repeat the actions specified in paragraph (e)(1) of this AD at intervals not to exceed 330 hours TIS.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

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

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

(h) Additional Information

The subject of this AD is addressed in Transport Canada AD No. CF–2016–21, dated July 7, 2016. You may view the Transport Canada AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2017–0667.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6510 Tail Rotor Drive Shaft.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Bell Alert Service Bulletin 407–16–113, dated February 12, 2016.

(ii) Reserved.

(3) For Bell service information identified in this AD, Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference 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: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on May 7, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–10491 Filed 5–18–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0907; Product Identifier 2017–NM–069–AD; Amendment 39–19274; AD 2018–09–17]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. This AD was prompted by reports of fractured rudder pedal tubes on the pilot-side rudder bar assembly. This AD requires repetitive inspections of the rudder pedal tubes for cracking and corrective actions if necessary. Replacement of both pilot-side rudder bar assemblies terminates the inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 25, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 25, 2018.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this referenced 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. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0907.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0907; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The NPRM published in the **Federal Register** on October 19, 2017 (82 FR 48668) (''the NPRM''). The NPRM was prompted by reports of fractured rudder pedal tubes on the pilot-side rudder bar assembly. The NPRM proposed to require repetitive inspections of the rudder pedal tubes for cracking and corrective actions if necessary. Replacement of both pilot-side rudder bar assemblies terminates the inspections. We are issuing this AD to address cracking of the pilot-side rudder pedal tubes. Loss of pilot rudder pedal input during flight could result in reduced yaw controllability of the airplane. Loss of pilot rudder pedal input during takeoff or landing could lead to a runway excursion.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2017–09, dated February 22, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the

MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The MCAI states:

> There have been two in-service reports of fractured rudder pedal tubes installed on the pilot-side rudder bar assembly on CL–600–2B19 aeroplanes. Laboratory examination of the fractured rudder pedal tubes found that in both cases, the fatigue cracks initiated at the aft taper pin holes where the connecting rod fitting is attached. Fatigue testing of the rudder pedal tubes confirmed that the fatigue cracking is due to loads induced during parking brake application. Therefore, only the rudder pedal tubes on the pilot's side are vulnerable to fatigue cracking as the parking brake is primarily applied by the pilot.
>
> Loss of pilot rudder pedal input during flight would result in reduced yaw controllability of the aeroplane. Loss of pilot rudder pedal input during takeoff or landing may lead to a runway excursion.
>
> This [Canadian] AD mandates initial and repetitive [detailed visual or eddy current] inspections [for cracking] of both pilot-side rudder pedal tubes, part number (P/N) 600–90204–3 until the terminating action in Part III of this [Canadian] AD is accomplished [*i.e.,* replacement of both pilot-side rudder bar assemblies].

Corrective actions include replacement of both pilot-side rudder bar assemblies and repair. 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–2017–0907.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Requests To Correct Errors in Certain Service Information Citations

Bombardier and NetJets both requested that typographical errors in certain service bulletin citations be corrected. Bombardier stated that in the NPRM, Bombardier ''Service Bulletin 605–27–008'' should be cited as Bombardier ''Service Bulletin 650–27–008.'' NetJets stated that Bombardier ''Service Bulletin 605–27–002'' should be cited as Bombardier ''Service Bulletin 650–27–002.''

We partially agree with the commenters' requests. We agree with NetJets' request to correct the typographical error in the preamble and paragraph (g)(6) of this AD by removing the incorrect citation and including the correct citation, which is Bombardier Service Bulletin 650–27–002, dated June 30, 2016, including Appendix A, Revision 01, dated March 31, 2016.

We do not agree with Bombardier's request because a typographical error does not exist in our citation of Bombardier Service Bulletin 605–27–008, dated March 31, 2016, including Appendix A, Revision 01, dated March 31, 2016. We contacted the commenter, and the company representative agreed that there is not a typographical error. Therefore, no change was made to this AD in this regard.

Request To Change the Order of Certain Service Information in the Related Service Information Under 1 CFR Part 51 Paragraph

During a phone conversation between Bombardier and the FAA that occurred during the NPRM comment period, Bombardier requested that the order of certain service information in ''Related Service Information under 1 CFR part 51'' be rearranged. Specifically, the commenter requested that Service Bulletin 605–27–008, dated March 31, 2016, including Appendix A, Revision 01, dated March 31, 2016, be listed above Service Bulletin 650–27–002, dated June 30, 2016, including Appendix A, Revision 01, dated March 31, 2016. The commenter stated that chronologically Bombardier issued Service Bulletin 605–27–008, dated March 31, 2016, including Appendix A, Revision 01, dated March 31, 2016, before issuing Service Bulletin 650–27–002, dated June 30, 2016, including Appendix A, Revision 01, dated March 31, 2016.

We agree to clarify. While we recognize the benefit of listing service information in chronological order based on publication dates, we are required by the Office of Federal Register (OFR) to list service information within the incorporated by reference (IBR) paragraph of the AD regulatory text (*i.e.* paragraph (n) of this AD) according to the document name. For consistency, the IBR material is listed in the same alphanumerical sequence within the 1 CFR part 51 paragraph of the AD preamble text. In this case, as stated previously, we have changed a certain citation, and that change places the service information in the alphanumeric order shown within this AD, which also addresses the commenter's request.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information. The service information describes procedures for repetitive inspections of the rudder pedal tubes for cracking, replacement of both pilot-side rudder bar assemblies, and repair. These documents are distinct since they apply to different airplane models.

- Service Bulletin 600–0770, including Appendix A, both Revision 01, both dated March 31, 2016.
- Service Bulletin 601–0643, including Appendix A, both Revision 01, both dated March 31, 2016.
- Service Bulletin 604–27–037, including Appendix A, Revision 01, both dated March 31, 2016.
- Service Bulletin 605–27–008, including Appendix A, Revision 01, both dated March 31, 2016.
- Service Bulletin 650–27–002, dated June 30, 2016, including Appendix A, Revision 01, dated March 31, 2016.

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.

Costs of Compliance

We estimate that this AD affects 141 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	10 work-hours × $85 per hour = $850 per inspection cycle.	$0	$850 per inspection cycle	$119,850 per inspection cycle.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	2 work-hours × $85 per hour = $170	$8,564	$8,734

We have received no definitive data that will enable us to provide cost estimates for any on-condition repairs specified in this AD. We have no way of determining the number of aircraft that might need this repair.

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

For the reasons discussed above, I certify that this AD:

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

2. Is not a ''significant rule'' under 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–09–17 Bombardier, Inc.: Amendment 39–19274; Docket No. FAA–2017–0907; Product Identifier 2017–NM–069–AD.

(a) Effective Date

This AD is effective June 25, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Bombardier, Inc., airplanes identified in paragraphs (c)(1) through (c)(3) of this AD, certificated in any category.

(1) Model CL–600–1A11 (CL–600) airplanes, serial numbers (S/Ns) 1004 through 1085 inclusive.

(2) Model CL–600–2A12 (CL–601 Variant) airplanes, S/Ns 3001 through 3066 inclusive.

(3) Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, S/Ns 5001 through 5194 inclusive, S/Ns 5301 through 5665 inclusive, S/Ns 5701 through 5988 inclusive, and S/Ns 6050 through 6099 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by reports of fractured rudder pedal tubes on the pilot-side rudder bar assembly. We are issuing this AD to address cracking of the pilot-side rudder pedal tubes. Loss of pilot rudder pedal input during flight could result in reduced yaw controllability of the airplane. Loss of pilot rudder pedal input during takeoff or landing could lead to a runway excursion.

(f) Compliance

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

(g) Repetitive Inspections and Part Marking

At the applicable time specified in figure 1 to paragraph (g) of this AD, do a detailed or eddy current inspection of both pilot-side rudder pedal tubes for cracking, in accordance with Part A of the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) through (g)(6) of this AD. If no cracking is found, before further flight, mark the part in accordance with Part A of the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) through (g)(6) of this AD. Repeat the detailed or eddy current

inspection thereafter at intervals not to exceed 600 flight cycles if a detailed inspection was performed, or 1,000 flight cycles if an eddy current inspection was performed. Repeat the inspection until the terminating action specified in paragraph (i) of this AD is accomplished.

(1) For Model CL–600–1A11 (CL–600) airplanes, S/Ns 1004 through 1085 inclusive: Bombardier Service Bulletin 600–0770, including Appendix A, both Revision 01, both dated March 31, 2016.

(2) For Model CL–600–2A12 (CL–601 Variant) airplanes, S/Ns 3001 through 3066 inclusive: Bombardier Service Bulletin 601–0643, including Appendix A, both Revision 01, both dated March 31, 2016.

(3) For Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, S/Ns 5001 through 5194 inclusive: Bombardier Service Bulletin 601–0643, including Appendix A, both Revision 01, both dated March 31, 2016.

(4) For Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, S/Ns 5301 through 5665 inclusive: Bombardier Service Bulletin 604–27–037, including Appendix A, Revision 01, both dated March 31, 2016.

(5) For Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, S/Ns 5701 through 5988 inclusive: Bombardier Service Bulletin 605–27–008, including Appendix A, Revision 01, both dated March 31, 2016.

(6) For Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, S/Ns 6050 through 6099 inclusive: Bombardier Service Bulletin 650–27–002, dated June 30, 2016, including Appendix A, Revision 01, dated March 31, 2016.

Figure 1 to Paragraph (g) of this AD – *Compliance Times*

Airplanes	Compliance Time
Airplanes with fewer than 8,250 total flight cycles as of the effective date of this AD	Prior to the accumulation of 9,000 total flight cycles
Airplanes with 8,250 total flight cycles or more but fewer than 16,625 total flight cycles as of the effective date of this AD	Within 24 months or 750 flight cycles, whichever occurs first, after the effective date of this AD
Airplanes with 16,625 total flight cycles or more as of the effective date of this AD	Within 12 months or 375 flight cycles, whichever occurs first, after the effective date of this AD

(h) Corrective Actions

(1) If any cracking is found around the aft tapered holes during any inspection required by paragraph (g) of this AD, before further flight, replace both pilot-side rudder bar assemblies, in accordance with Part B of the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) through (g)(6) of this AD.

(2) If any other damage (*e.g.,* corrosion) is found, during any inspection required by paragraph (g) of this AD, before further flight, repair using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Optional Terminating Action

Replacement of both pilot-side rudder bar assemblies in accordance with Part B of the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) through (g)(6) of this AD terminates the inspections required by paragraph (g) of this AD.

(j) Replacement—No Terminating Action

Replacement of both pilot-side rudder bar assemblies using Part B of the Accomplishment Instructions of Bombardier Service Bulletin 600–0770, dated August 31, 2015; or Bombardier Service Bulletin 601–0643, dated August 31, 2015; is not a terminating action for the inspections required by paragraph (g) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed if any cracking is found during any inspection required by paragraph (g) of this AD.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–09, dated February 22, 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–2017–0907.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Service Bulletin 600–0770, including Appendix A, both Revision 01, both dated March 31, 2016.

(ii) Bombardier Service Bulletin 601–0643, including Appendix A, both Revision 01, both dated March 31, 2016.

(iii) Bombardier Service Bulletin 604–27–037, including Appendix A, Revision 01, both dated March 31, 2016.

(iv) Bombardier Service Bulletin 605–27–008, including Appendix A, Revision 01, both dated March 31, 2016.

(v) Bombardier Service Bulletin 650–27–002, dated June 30, 2016, including Appendix A, Revision 01, dated March 31, 2016.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.*

(4) 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.

(5) You may view this service information that is incorporated by reference 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: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on April 27, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–09732 Filed 5–18–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0874; Product Identifier 2015–SW–082–AD; Amendment 39–19282; AD 2018–10–07]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S–76C helicopters. This AD requires inspecting the engine collective position transducer (CPT). This AD was prompted by reports of wear of the CPT that has resulted in several One Engine Inoperative (OEI) incidents. The actions of this AD are intended to detect and prevent an unsafe condition on these products.

DATES: This AD is effective June 25, 2018.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of June 25, 2018.

ADDRESSES: For service information identified in this final rule, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0874.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0874; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nick Rediess, Aviation Safety Engineer, Boston ACO Branch, Compliance & Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; telephone (781) 238–7159; email *nicholas.rediess@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On September 14, 2017, at 82 FR 43195, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Sikorsky Model S–76C helicopters with a Turbomeca, S.A., Arriel 2S1 or Arriel 2S2 engine with an engine CPT part number (P/N) 76900–01821–104 installed. The NPRM was prompted by 20 reports of OEI incidents resulting from wear of a CPT. One of these incidents resulted in a rejected takeoff to an unprepared site.

The NPRM proposed to require initial and recurring inspections of each CPT by measuring resistance, linearity resistance movement, and differential voltage, and depending on the outcome of the inspections, replacing the CPT. The proposed requirements were intended to detect wear of a CPT prior to it causing an OEI condition and possible emergency landing.

Comments

After our NPRM was published, we received comments from Sikorsky.

Request To Include an Additional Part to the AD

Sikorsky requested the AD also apply to engine CPT P/N 76900–01821–105. In support of this request, Sikorsky stated that engine CPT P/N 76900–01821–105 is a new replacement for engine CPT P/N 76900–01821–104, which does not differ substantially from engine CPT P/N 76900–01821–104 and therefore should be subject to the periodic inspections.

We partially agree. While engine CPT P/N 76900–01821–105 may be subject to the same unsafe condition because of design similarity, adding this part would increase the scope of the AD. Therefore, we plan to publish another NPRM for P/N 76900–01821–105 to give the public an opportunity to comment on those requirements.

Request To Remove a Test Box From the AD

Sikorsky requested we remove Test Box P/N 76700–40009–042 and only allow the use of Test Box P/N 76700–40009–043 to comply with the AD. In support of this request, Sikorsky stated it considers Test Box P/N 76700–40009–042 obsolete because Test Box P/N 76700–40009–043 is easier to use and provides less subjective results.

We disagree. The proposed AD provided procedures for both test boxes for the repetitive inspections. While Test Box P/N 76700–40009–043 may be more efficient, the use of Test Box P/N 76700–40009–042 also addresses the unsafe condition. We do not find justification for requiring operators who have Test Box P/N 76700–40009–042 to upgrade or replace their test box. However, we have revised the initial inspection requirements of the AD to allow the use of Test Box P/N 76700–40009–043 as an option. We have also revised the repetitive inspection procedures to allow the use of updated testing procedures for Test Box P/N 76700–40009–043, which had not been

issued at the time we published the proposed AD, as an option.

Lastly, Sikorsky requested we revise the unsafe condition to more accurately describe that it would be a momentary OEI condition. In support, Sikorsky stated that the unsafe condition statement in the proposed AD could be misinterpreted as an in-flight shutdown or engine failure. For this particular CPT failure, Sikorsky stated normal engine operation is restored within approximately two seconds without the need for any specific action by the pilot.

We agree and have made the requested change accordingly.

FAA's Determination

We have reviewed the relevant information, considered the comments received, and determined that an unsafe condition exists and is likely to exist or develop on other products of the same type design and that air safety and the public interest require adopting the AD requirements as proposed with the changes described previously and minor editorial changes. These changes are consistent with the intent of the proposals in the NPRM and will not increase the economic burden on any operator nor increase the scope of the AD.

Interim Action

We consider this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Related Service Information Under 1 CFR Part 51

We reviewed Sikorsky S–76 Helicopter Alert Service Bulletin (ASB) 76–73–8, Revision A, dated December 4, 2015 (ASB 76–73–8A), which specifies a one-time inspection of total resistance, linearity resistant movement, excitation voltage, and differential voltage of the CPTs using CPT Text Box P/N 76700–40009–042.

We reviewed Sikorsky Maintenance Manual, SA 4047–76C–2, Temporary Revision No. 73–07, dated August 17, 2016 (TR 73–07), which specifies procedures for removing, installing, and adjusting the CPTs, and inspections of total resistance, linearity resistant movement, excitation voltage, and differential voltage of the CPTs. TR 73–07 also divides the procedures by CPT Test Box P/N by providing separate procedures for test boxes modified by Sikorsky Special Service Instructions (SSI) No. 76–96, dated August 19, 2016, which is not incorporated by reference in this AD.

We also reviewed Sikorsky Maintenance Manual, SA 4047–76C–2, Temporary Revision No. 73–08, dated September 20, 2017 (TR 73–08), which updates the procedures in TR 73–07. TR 73–08 does not divide the procedures by CPT Test Box P/N as it eliminates the procedures for CPT Text Box P/N 76700–40009–042. TR 73–08 omits obsolete figures and it provides inspection results as pass or fail.

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.

Other Related Service Information

We reviewed Sikorsky S–76 Helicopter ASB 76–73–8, Basic Issue, dated August 21, 2015 (ASB 76–73–8). ASB 76–73–8 contains the same procedures as ASB 76–73–8A; however, ASB 76–73–8A updates Sikorsky's contact information for submitting a purchase order.

We also reviewed Sikorsky SA 4047–76C–2–1, Temporary Revision No. 5–181, dated August 21, 2015 (TR 5–181); Task 5–20–00 of Sikorsky Airworthiness Limitations and Inspection Requirements, Publication No. SA 4047–76C–2–1, Revision 24, dated December 15, 2015 (Task 5–20–00); and Section 73–22–04 of Chapter 73 Engine Fuel and Control, of Sikorsky Maintenance Manual, SA 4047–76C–2, Revision 31, dated December 15, 2015 (Section 73–22–04). TR 5–181 specifies adding CPT inspections referenced in Section 73–22–04 to the 300-hour inspection checklist contained in Task 5–20–00.

We reviewed Sikorksy Safety Advisory No. SSA–S76–11–0002, dated May 17, 2011. This service information provides precautionary instructions to minimize hazardous situations that might result from an unreliable CPT.

We also reviewed Sikorsky SSI No. 76–96, dated August 19, 2016, which specifies procedures to modify CPT Test Box P/N 76700–40009–042 and re-identify it as P/N 76700–40009–043. This one-time modification reduces the instructions to inspect the CPT and improves the inspection accuracy.

We reviewed Sikorsky SSI No. 76–87, dated July 24, 2015, and SSI No. 76–87A, Revision A, dated August 21, 2015. These SSIs specify a one-time inspection of total resistance, linearity resistant movement, excitation voltage, and differential voltage of the CPTs using CPT Text Box P/N 76700–40009–042.

Differences Between This AD and the Service Information

Sikorsky ASB 76–73–8A, TR 73–07, and TR 73–08 specify using and returning Sikorsky's CPT data sheet and any failed CPT to Sikorsky. This AD does not.

Costs of Compliance

We estimate that this AD affects 90 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

The inspections will take about 3.75 work-hours for an estimated cost of $319 per helicopter and $28,710 for the U.S. fleet per inspection cycle. Replacing a CPT will take about 6 work-hours and parts will cost $3,072 for an estimated replacement cost of $3,582.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–10–07 Sikorsky Aircraft Corporation: Amendment 39–19282; Docket No. FAA–2017–0874; Product Identifier 2015–SW–082–AD.

(a) Applicability

This AD applies to Sikorsky Aircraft Corporation Model S–76C helicopters, certificated in any category, with a Turbomeca, S.A., Arriel 2S1 or Arriel 2S2 engine with an engine collective position transducer (CPT) part number 76900–01821–104 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a CPT. This condition could result in a reduction in power to one engine resulting in an annunciated momentary One Engine Inoperative (OEI) condition and subsequent emergency landing.

(c) Effective Date

This AD becomes effective June 25, 2018.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 130 hours time-in-service (TIS):

(i) Measure resistance of each engine CPT and replace the CPT if the measured resistance is not within tolerance by following the Accomplishment Instructions, paragraphs 3.C.(1) through 3.C.(8)(b), of Sikorsky S–76 Helicopter Alert Service Bulletin ASB 76–73–8, Revision A, dated December 4, 2015 (ASB 76–73–8A), if using Test Box P/N 76700–40009–042 or by following paragraph 3.B.(11) of Sikorsky Maintenance Manual, SA 4047–76C–2, Temporary Revision No. 73–08, dated September 20, 2017 (TR 73–08), if using Test Box P/N 76700–40009–043. You are not required to use Sikorsky's CPT data sheet or submit a data sheet to Sikorsky.

(ii) Measure the linearity resistance movement of each engine CPT and replace the CPT if there is a linear abnormality or change in resistance that is not within tolerance by following the Accomplishment Instructions, paragraphs 3.D.(1) through 3.D.(14)(b), of ASB 76–73–8A, if using Test Box P/N 76700–40009–042 or by following paragraph 3.B.(12) of TR 73–08, if using Test Box P/N 76700–40009–043. You are not required to use Sikorsky's CPT data sheet or submit a data sheet to Sikorsky.

(iii) Measure the differential voltage of each engine CPT and replace the CPT if the measured voltage is not within tolerance by following the Accomplishment Instructions, paragraphs 3.E. through 3.G.(1) of ASB 76–73–8A, if using Test Box P/N 76700–40009–042 or by following paragraph 3.B.(13) of TR 73–08, if using Test Box P/N 76700–40009–043. You are not required to use Sikorsky's CPT data sheet or submit a data sheet to Sikorsky.

(2) Thereafter, at intervals not to exceed 300 hours TIS:

(i) If using Test Box P/N 76700–40009–042:

(A) Measure resistance of each engine CPT and replace the CPT if the resistance is not within tolerance by following paragraph 4.B.(11) of Sikorsky Maintenance Manual, SA 4047–76C–2, Temporary Revision No. 73–07, dated August 17, 2016 (TR 73–07), except you are not required to use Sikorsky's CPT data sheet or return a failed CPT to Sikorsky.

(B) Measure the linearity resistance movement of each engine CPT and replace the CPT if the movement exceeds tolerance by following paragraphs 4.B.(12)(a) through 4.B.(13)(f) of TR 73–07, except you are not required to use Sikorsky's CPT data sheet or return a failed CPT to Sikorsky.

(C) Measure the differential voltage of each CPT by following paragraphs 4.B.(14) through 4.B.(15)(h) of TR 73–07, except you are not required to use Sikorsky's CPT data sheet. If the maximum voltage is greater than 100 millivolts or the minimum voltage is less than −100 millivolts, replace the CPT.

(ii) For helicopters using Test Box P/N 76700–40009–043:

(A) Measure resistance of each engine CPT and replace the CPT if the resistance is not within tolerance by following paragraph 5.B.(11) of TR 73–07 or paragraph 3.B.(11) of TR 73–08, except you are not required to use Sikorsky's CPT data sheet or return a failed CPT to Sikorsky.

(B) Measure the resistance linearity of each engine CPT and replace the CPT if the resistance is not within tolerance by following paragraph 5.B.(12) of TR 73–07 or paragraph 3.B.(12) of TR 73–08, except you are not required to use Sikorsky's CPT data sheet or return a failed CPT to Sikorsky.

(C) Measure the differential voltage of each engine CPT and replace the CPT if the resistance is not within tolerance by following paragraphs 5.B.(13)(a) through 5.B.(13)(k) of TR 73–07 or paragraph 3.B.(13) of TR 73–08, except you are not required to use Sikorsky's CPT data sheet or return a failed CPT to Sikorsky.

(f) Credit for Previous Actions

Actions accomplished before the effective date of this AD in accordance with the procedures specified in Sikorsky S–76 Helicopter Alert Service Bulletin ASB 76–73–8, Basic Issue, dated August 21, 2015; Sikorsky Special Service Instruction SSI No. 76–87, dated July 24, 2015; or Sikorsky Special Service Instruction SSI No. 76–87, Revision A, dated August 21, 2015, are considered acceptable for compliance with the corresponding actions specified in paragraph (e)(1) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Nick Rediess, Aviation Safety Engineer, Boston ACO Branch, Compliance & Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; telephone (781) 238–7159; email *nicholas.rediess@faa.gov.*

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

(h) Additional Information

Sikorsky S–76 Helicopter Alert Service Bulletin ASB 76–73–8, Basic Issue, dated August 21, 2015; Sikorsky SA 4047–76C–2–1, Temporary Revision No. 5–181, dated August 21, 2015; Task 5–20–00 of Sikorsky Airworthiness Limitations and Inspection Requirements, Publication No. SA 4047–76C–2–1, Revision 24, dated December 15, 2015; Section 73–22–04 of Chapter 73 Engine Fuel and Control, of Sikorsky Maintenance Manual, SA 4047–76C–2, Revision 31, dated December 15, 2015; Sikorksy Safety Advisory No. SSA–S76–11–0002, dated May 17, 2011; Sikorsky Special Service Instruction (SSI) No. 76–96, dated August 19, 2016; Sikorsky SSI No. 76–87, dated July 24, 2015; and Sikorsky SSI No. 76–87, Revision A, dated August 21, 2015, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800-Winged-S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.* You may review a copy of this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 7600, Engine Controls.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of

the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Sikorsky S–76 Helicopter Alert Service Bulletin ASB 76–73–8, Revision A, dated December 4, 2015.

(ii) Sikorsky Maintenance Manual, SA 4047–76C–2, Temporary Revision No. 73–07, dated August 17, 2016.

(iii) Sikorsky Maintenance Manual, SA 4047–76C–2, Temporary Revision No. 73–08, dated September 20, 2017.

(3) For Sikorsky service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800-Winged-S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference 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: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on May 9, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–10581 Filed 5–18–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2013–N–1317]

Final Determination Regarding Partially Hydrogenated Oils

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; declaratory order; extension of compliance date.

SUMMARY: Based on the available scientific evidence and the findings of expert scientific panels, the Food and Drug Administration (FDA or we) made a final determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs), which are the primary dietary source of industrially produced *trans* fatty acids (IP–TFA), are generally recognized as safe (GRAS) for any use in human food. In a declaratory order announcing our final determination, we set a compliance date of June 18, 2018. We are now extending the compliance date for certain uses of PHOs.

DATES: *Compliance dates:* See sections II and III of this document.

FOR FURTHER INFORMATION CONTACT: Ellen Anderson, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1309, email: *ellen.anderson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 17, 2015 (80 FR 34650), we issued a final determination that there is no longer a consensus among qualified experts that PHOs are GRAS for any use in human food. Because PHOs are the primary dietary source of IP–TFA, FDA's evaluation of the GRAS status of PHOs centered on the *trans* fatty acid component of these fats and oils. We based our determination on available scientific evidence and the findings of expert scientific panels establishing the health risks associated with the consumption of *trans* fat. FDA's determination identified significant human health risks, namely an increased risk of coronary heart disease, associated with the consumption of *trans* fat (78 FR 67169 at 67172; 80 FR 34650 at 34659).

The order established a 3-year compliance date, to June 18, 2018, to allow time for food manufacturers using PHOs to identify suitable replacement ingredients for PHOs and to reformulate and modify labeling of affected products. The 3-year compliance date was also intended to allow time for submission and review and, if applicable requirements were met, approval of food additive petitions for uses of PHOs for which industry or other interested individuals believe that safe conditions of use may be prescribed. Finally, this compliance date was also intended to give manufacturers time to exhaust existing inventories and give distributors and retailers time to distribute products with PHOs (80 FR 34650 at 34669). We based the compliance date on the information available, including comments on the proposed order (80 FR 34650 at 34668 to 34669).

In the 2015 final order, we stated that food that is adulterated may be subject to seizure and distributors, manufacturers, and other parties responsible for such food may be subject to injunction. We also reminded distributors and other members of the food industry that they have an obligation to ensure that the food they manufacture, distribute, sell, or otherwise market complies with the Federal Food, Drug, and Cosmetic Act (FD&C Act) (80 FR 34650 at 34655).

In the **Federal Register** of October 28, 2015 (80 FR 65978), we published a document announcing that we had filed a food additive petition submitted by the Grocery Manufacturers Association (GMA) seeking approval for certain uses of PHOs in or on select foods. We initially filed the food additive petition on October 1, 2015. GMA subsequently amended their food additive petition, and it was re-filed on March 7, 2017. The amended food additive petition requested that the food additive regulations be amended to provide for the safe use of PHOs in certain food applications. Elsewhere in this issue of the **Federal Register**, we have published a document announcing our denial of this food additive petition.

For purposes of this document extending the compliance date for certain uses of PHOs, we refer to the specified uses of PHOs in GMA's food additive petition as the ''petitioned uses'' and all other uses of PHOs not authorized by FDA as ''non-petitioned uses.'' We refer to ''manufacturing'' in this document as making food from one or more ingredients, or synthesizing, preparing, treating, modifying or manipulating food, including food crops or ingredients. See 21 CFR 1.227.

On March 23, 2018, the Consolidated Appropriations Act, 2018, (Pub. L. 115–141) was enacted into law. Section 738 of the Consolidated Appropriations Act, 2018, provided that no PHOs, as defined in our declaratory order, shall be deemed unsafe within the meaning of section 409(a) of the FD&C Act (21 U.S.C. 348(a)) and no food that is introduced or delivered for introduction into interstate commerce that bears or contains a partially hydrogenated oil shall be deemed adulterated under sections 402(a)(1) or (a)(2)(C)(i) of the FD&C Act (21 U.S.C. 342(a)(1) or (a)(2)(C)(i)) by virtue of bearing or containing a partially hydrogenated oil, until June 18, 2018.

II. Extension of the Compliance Date for Certain Uses

We have been informed by a number of trade associations representing many segments of the food industry that they have replaced the PHO uses that are not covered by the food additive petition (the non-petitioned uses) and thus will be able to stop using PHOs by the June 18, 2018, compliance date (Ref. 1). However, the trade associations also

have informed us that, due to shelf lives ranging from 3 to 24 months, a variety of products containing non-petitioned uses of PHOs will be in distribution on, and for some time after, the compliance date in the final order (Ref. 1). In addition, the trade associations have informed us that, if we deny the food additive petition, they will need additional time beyond June 18, 2018, to remove and replace the petitioned uses and deplete the product in distribution (Refs. 1 and 2). FDA has considered these requests as well as the health benefits of removing the uses of PHOs in food manufacturing and is revising the compliance date for certain uses.

A. Non-Petitioned Uses

Foods manufactured after June 18, 2018 with non-petitioned uses of PHOs may be subject to enforcement action by FDA. Based on the recent industry information, FDA understands additional time is needed for products manufactured (domestically and internationally) before June 18, 2018, to work their way through distribution. Therefore, we are extending the compliance date of food products that were manufactured before June 18, 2018, with non-petitioned uses of PHO. The new compliance date for these products is January 1, 2020. After January 1, 2020, such foods may be subject to enforcement action by FDA. FDA believes an 18-month extension is appropriate given the range of shelf lives brought to our attention and the 3-year original compliance date.

B. Petitioned Uses

In light of our denial of GMA's food additive petition, we acknowledge that the food industry needs additional time to identify suitable replacement substances for the petitioned uses of PHOs and that the food industry may not have done so for the petitioned uses while the petition was under our review. Industry has indicated that 12 months could be a reasonable timeframe for reformulation activities (Ref 1). Therefore, we are extending the compliance date to June 18, 2019, for the manufacturing of food with the petitioned uses of PHOs. Food manufactured with the petitioned uses after June 18, 2019, may be subject to enforcement action by FDA.

The petitioned uses are as follows:

- PHO, or a blend of PHOs, used as a solvent or carrier, or a component thereof, for flavoring agents, flavor enhancers, and coloring agents intended for food use, provided the PHOs in the solvent or carrier contribute no more than 150 parts per million (ppm) (150 milligrams per kilogram (mg/kg)) IP–TFA to the finished food as consumed;
- PHO, or a blend of PHOs, used as a processing aid, or a component thereof, provided the PHOs in the processing aid contribute no more than 50 ppm (50 mg/kg) IP–TFA to the finished food as consumed;
- PHO, or a blend of PHOs, used as a pan release agent for baked goods at levels up to 0.2 grams/100 grams (0.2 g/100 g) in pan release spray oils, provided the PHO contributes no more than 0.14 g IP–TFA/100 g spray oil.

The petitioned uses excluded dietary supplements. The physical and technical effects of the petitioned uses of PHOs were specified as: Release agents, either alone or in combination with other components (§ 170.3(o)(18) (21 CFR 170.3(o)(18))); processing aids or components thereof (§ 170.3(o)(24)); and as solvents, carriers, and vehicles for fat soluble coloring agents, flavoring agents, and flavor enhancers (§ 170.3(o)(27)).

In addition, for food manufactured with the petitioned uses before June 18, 2019, we are extending the compliance date to January 1, 2021. This time frame will allow manufacturers, distributors, and retailers to exhaust product inventory of foods made with the petitioned uses before the manufacturing compliance date. All foods containing unauthorized uses of PHOs after January 1, 2021, may be subject to FDA enforcement action.

III. Compliance Dates

For convenience, we are summarizing the extended compliance dates as follows:

Product uses	Original compliance date	Extended compliance date
Non-Petitioned Uses		
Manufacturing of food with non-petitioned uses of PHOs	June 18, 2018	Not Extended.
Foods manufactured with non-petitioned uses of PHOs before June 18, 2018	June 18, 2018	January 1, 2020.
Petitioned Uses *		
Manufacturing of food with the petitioned uses of PHOs	June 18, 2018	June 18, 2019.
Foods manufactured with the petitioned uses of PHOs before June 18, 2019	June 18, 2018	January 1, 2021.

* Petitioned uses exclude use in dietary supplements and are limited to:

- PHO, or a blend of PHOs, used as a pan release agent for baked goods at levels up to 0.2 grams/100 grams (0.2 g/100 g) in pan release spray oils, provided the PHO contributes no more than 0.14 g IP–TFA/100 g spray oil;
- PHO, or a blend of PHOs, used as a solvent or carrier, or a component thereof, as defined in § 170.3(o)(27), for flavoring agents, flavor enhancers, and coloring agents intended for food use, provided the PHOs in the solvent or carrier contribute no more than 150 parts per million (ppm) (150 milligrams per kilogram (mg/kg)) IP–TFA to the finished food as consumed; and
- PHO, or a blend of PHOs, used as a processing aid, or a component thereof, as defined in § 170.3(o)(24) and 21 CFR 101.100(a)(3)(ii), provided the PHOs in the processing aid contribute no more than 50 ppm (50 mg/kg) IP–TFA to the finished food as consumed.

IV. References

The following references are on display in the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter from the American Bakers Association, et al., to Dr. Scott Gottlieb, Commissioner, Food and Drug Administration (April 30, 2018) (sent by electronic mail).
2. Letter from Leon H. Bruner, DVM, Ph.D., Senior Vice President, Science and Regulatory Affairs and Chief Science Officer, Grocery Manufacturers Association, to Dr. Scott Gottlieb, Commissioner, Food and Drug Administration (April 27, 2018).

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10714 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Directive No. 81C]

Delegation of Authority

AGENCY: Office of the Assistant Attorney General, Criminal Division, Department of Justice.

ACTION: Final rule.

SUMMARY: The Attorney General has delegated to the Assistant Attorney General for the Criminal Division, with certain restrictions, the authority to perform the functions of the ''Central Authority'' or ''Competent Authority'' under treaties and executive agreements between the United States and other countries on mutual assistance in criminal matters that designate the Attorney General or the Department of Justice as such authority. The Assistant Attorney General for the Criminal Division has re-delegated this authority to the Deputy Assistant Attorneys General, and to the Director and Deputy Directors, of the Office of International Affairs (OIA). The Assistant Attorney General for the Criminal Division further re-delegates the authority to make requests under treaties and executive agreements on mutual assistance in criminal matters to the Associate Directors of OIA. This final rule will amend the Appendix to Subpart K of Part 0 to expand the list of persons who may exercise the authority to make mutual assistance requests in criminal matters to include OIA's Associate Directors.

DATES: This rule is effective May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Vaughn Ary, Director, Office of International Affairs, Criminal Division, U.S. Department of Justice, Washington, DC 20005; Telephone (202) 514–0000.

SUPPLEMENTARY INFORMATION: The Office of International Affairs (OIA) serves as the United States Central Authority with respect to all requests for information and evidence received from and made to foreign authorities under mutual legal assistance treaties and multilateral conventions regarding assistance in criminal matters. OIA's inventory of pending mutual legal assistance (MLA) requests has grown substantially in recent years. OIA received over 1,400 new MLA requests from U.S. prosecutors for foreign evidence in FY17, the most since OIA's inception in 1979. With only three senior leaders (the Director and two Deputy Directors) authorized to make these requests, it can be difficult for OIA to review and process all requests expeditiously. To address this issue, the Assistant Attorney General for the Criminal Division is modifying Directive 81A of the Appendix to Subpart K of Part 0 to extend the re-delegation of authority to Associate Directors who supervise OIA's regional teams and designated units as persons who may make MLA requests. Associate Directors are among the most experienced attorneys within the organization and are responsible for providing legal and policy guidance to the Assistant Attorney General and Deputy Assistant Attorneys General. Authorizing these senior supervisory attorneys to make MLA requests to foreign central authorities is commensurate with their existing duties and provides OIA with the capability to process these requests more efficiently, avoid unnecessary delays, and more effectively satisfy the demand for international evidence from U.S. law enforcement.

Administrative Procedure Act—5 U.S.C. 553

This rule is a rule of agency organization and relates to a matter relating to agency management and is therefore exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), 553(b)(3)(A).

Regulatory Flexibility Act

A Regulatory Flexibility Analysis is not required to be prepared for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter. *See* 5 U.S.C. 604(a).

Executive Order 12866—Regulatory Planning and Review

This action has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described in section 3(d)(3) of Executive Order 12866 and, therefore, is not a ''regulation'' or ''rule'' as defined by the order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 13132—Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This rule was drafted in accordance with the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1955

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

Congressional Review Act

This action pertains to agency management, personnel, and organizations and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act, 5 U.S.C. 804(3)(B). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Counterterrorism, Crime, Government employees, Law enforcement, National security information, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, Terrorism, Whistleblowing.

For the reasons stated in the preamble, Title 28, Part 0, of the Code of Federal Regulations is amended as set forth below:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. The Appendix to Subpart K of Part 0 is amended by removing Directive No. 81A and adding Directive No. 81C in alphanumeric order, to read as follows:

Appendix to Subpart K of Part 0—Criminal Division

* * * * *

[Directive No. 81C]

Re-Delegation of Authority to Deputy Assistant Attorneys General, Criminal Division, and Director and Deputy Directors of the Office of International Affairs To Act Under Treaties and Executive Agreements on Mutual Assistance in Criminal Matters; and Re-Delegation of Authority To Make Requests Under Treaties and Executive Agreements on Mutual Assistance in Criminal Matters to the Associate Directors of the Office of International Affairs

By virtue of the authority vested in me by § 0.64–1 of Title 28 of the Code of Federal Regulations, the Authority delegated to me by that section to exercise all of the power and authority vested in the Attorney General under treaties and executive agreements on mutual assistance in criminal matters is hereby re-delegated to each of the Deputy Assistant Attorneys General, Criminal Division, and to the Director and Deputy Directors of the Office of International Affairs, Criminal Division. In addition, I hereby re-delegate the authority to make requests under treaties and executive agreements on mutual assistance in criminal matters to the Associate Directors of the Office of International Affairs, Criminal Division.

Dated: May 10, 2018.

John P. Cronan,

Acting Assistant Attorney General.

[FR Doc. 2018–10703 Filed 5–18–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0452]

Drawbridge Operation Regulation; Willamette River at Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burnside Bridge across the Willamette River, mile 12.4, at Portland, OR. The deviation is necessary to accommodate a city parade event. This deviation allows the double bascule bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 7 a.m. to 2 p.m. on June 9, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0452 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: Multnomah County, Oregon owns the Burnside Bridge, crossing the Willamette River, mile 12.4, at Portland, OR, and has requested a temporary deviation from the operating schedule. The requested deviation is to accommodate the Spirit Mountain Casino Grand Floral Parade. To facilitate this event, the draw of the subject bridge will be authorized to remain in the closed-to-navigation position to marine traffic. This deviation period is from 7 a.m. to 2 p.m. on June 9, 2018.

The Burnside Bridge provides a vertical clearance of 41 feet in the closed-to-navigation position referenced to Columbia River Datum 0.0. The normal operating schedule is in 33 CFR 117.897. Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. The Coast Guard contacted all known users of the Willamette River for comment, and we received no objections for this deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open the span only for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will inform the users of the waterway, through our Local and Broadcast Notices to Mariners, of the change in operating schedule for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedules immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 15, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018–10701 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0405]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Wrightsville Beach, NC and Northeast Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedules that govern the S.R. 74 (Wrightsville Beach) Bridge across the Atlantic Intracoastal Waterway (AIWW), mile 283.1, at Wrightsville Beach, NC, and the Isabel S. Holmes Bridge across the Northeast Cape Fear River, mile 1.0, at Wilmington, NC. The deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 11th Annual Ironman Triathlon. This deviation allows these bridges to remain in their closed-to-navigation position.

DATES: The deviation is effective from 7:30 a.m. to 3 p.m. on October 13, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0405], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Ms. Kashanda Booker, Bridge Administration Branch Fifth District, Coast Guard; telephone 757–398–6227, email *Kashanda.l.booker@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Quintiles Wrightsville Beach Marathon Committee, with approval from the North Carolina Department of Transportation, owner and operator of the S.R. 74 (Wrightsville Beach) Bridge and the Isabel S. Holmes Bridge, has requested a temporary deviation from the current operating regulations to accommodate the free movement of pedestrians and vehicles during the 11th Annual Ironman Triathlon. The two bridges are both double bascule bridges and have vertical clearances in the closed position of 20 feet and 40 feet, respectively, above mean high water.

The current operating schedule is set out in 33 CFR 117.821(a)(4) and 33 CFR 117.829(a), respectively. Under this

temporary deviation, the S.R. 74 (Wrightsville Beach) Bridge will be maintained in the closed-to-navigation position from 6:30 a.m. to 10 a.m. on October 13, 2018, and the Isabel S. Holmes Bridge will also be maintained in the closed-to-navigation position from 7:30 a.m. to 3 p.m. on October 13, 2018. The Atlantic Intracoastal Waterway is used by a variety of vessels including small commercial fishing vessels and recreational vessels. The Northeast Cape Fear River is used by a variety of vessels including small commercial fishing vessels, recreational vessels, and tug and barge traffic. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through these bridges in their closed positions may do so at any time. These bridges will be able to open for emergencies and there are no immediate alternative routes for vessels unable to pass through the bridges in their closed positions. The Coast Guard will also inform the users of the waterways through Local and Broadcast Notices to Mariners of the change in operating schedules for these bridges so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), these drawbridges must return to their regular operating schedules immediately at the end of the effective periods of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 15, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–10695 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0339]

RIN 1625–AA00

Safety Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Corpus Christi Ship Channel. This safety zone is necessary to provide for the safety of life, property, and the marine environment on these navigable waters near the Whataburger Field during fireworks displays on May 27, July 4, and July 5, 2018. Entry of vessels or persons into the zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective from 8:45 p.m. through 10:45 p.m. each day on May 27, July 4, and July 5, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0339 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 about this notice of enforcement, call or email Petty Officer Kevin Kyles, Waterways Management Division, U.S. Coast Guard; telephone 361–939–5125, email *Kevin.L.Kyles@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(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 would be impracticable. This safety zone must be established by May 27, 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 scheduled date of the fireworks 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 the effective date of this rule would be contrary to the public interest because immediate action is necessary to ensure the safety of vessels and persons during the fireworks displays.

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 Corpus Christi (COTP) has determined that potential hazards associated with the fireworks displays occurring on May 27, 2018, July 4, and July 5, 2018 will be a safety concern for anyone within a 500-foot radius of the fireworks launch location at the Whataburger Field parking lot. This rule is necessary to ensure the safety of persons, vessels, and the marine environment before, during, and after the scheduled fireworks displays.

IV. Discussion of the Rule

The COTP proposes to establish a safety zone from 8:45 p.m. through 10:45 p.m., each day on May 27, July 4, and July 5, 2018. The safety zone would cover all navigable waters within 500 feet of the fireworks launch location in the Whataburger Field parking lot at approximate position 27°48′39.2″ N, 097°23′55.2″ W, in Corpus Christi, TX. The duration of the zone is intended to protect the public from the fireworks display before, during, and after the scheduled fireworks display. No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or a 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 as a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zones. Vessel traffic would be able to safely transit around this safety zone, which would impact less than a 500-foot designated area of the Corpus Christi Ship Channel for two hours on three separate evenings when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNMs) via VHF–FM marine channel 16 about the zones and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves safety zones lasting one hour each that would prohibit entry within 500 feet of the fireworks launch location. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0339 to read as follows:

§ 165.T08–0339 Safety Zones; Corpus Christi Ship Channel, Corpus Christi, TX.

(a) *Location.* The following area is a safety zone for each of the events occurring on May 27, July 4, and July 5, 2018: all navigable waters encompassing a 500-foot radius around a fireworks display in position 27°48′39.2″ N, 097°23′55.2″ W, in Corpus Christi, TX.

(b) *Effective period.* This section is effective from 8:45 p.m. through 10:45

p.m. each day on May 27, July 4, and July 5, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

(2) Persons or vessels seeking to enter the safety zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or 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 Bulletins (MSIBs) as appropriate.

Dated: May 8, 2018.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2018–10804 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0266]

RIN 1625–AA00

Safety Zone; Grosse Pointe War Memorial Red, White, and Blue Gala Fireworks, Lake St. Clair, Grosse Pointe, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 420-foot radius of a portion of Lake St. Clair, Grosse Point, MI. This zone is necessary to protect spectators and vessels from potential hazards associated with the Grosse Pointe War Memorial Red, White, and Blue Gala Fireworks.

DATES: This temporary final rule is effective from 9 p.m. through 10 p.m. (EDT) on May 24, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0266 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 temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Detroit
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this fireworks display in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 inhibit the Coast Guard's ability to protect participants, mariners and vessels from the hazards associated with this event.

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 Detroit (COTP) has determined that potential hazard associated with fireworks from 9 p.m. to 10 p.m. on May 24, 2018 will be a safety concern to anyone within a 420-foot radius of the launch site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks are being displayed.

IV. Discussion of the Rule

This rule establishes a safety zone from 9 p.m. through 10 p.m. on May 24, 2018. The safety zone will encompass all U.S. navigable waters of Lake St. Clair, Harrison Twp, MI, within a 420-foot radius of position 42°23.132′ N, 082°53.740′ W (NAD 83). No vessel or person will be permitted to enter the safety zone without obtaining permission from 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 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. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of Lake St. Clair from 9 p.m. to 10 p.m. on May 24, 2018. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNM) via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions

with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0266 to read as follows:

§ 165.T09–0266 Safety Zone; Grosse Pointe War Memorial Red, White, and Blue Gala Fireworks, Lake St. Clair, Grosse Pointe, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of Lake St. Clair, Harrison Twp, within a 420-foot radius of position 42°23.132′ N, 082°53.740′ W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) of this section will be enforced from 9 p.m. through 10 p.m. on May 24, 2018.

(c) *Regulations.* (1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: May 3, 2018.

Jeffrey W. Novak,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2018–10749 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0384]

RIN 1625–AA00

Safety Zone; St. Clair Shores Fireworks, Lake St. Clair, St. Clair Shores, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 700-foot radius of a portion of Lake St. Clair, St. Clair Shores, MI. This zone is necessary to protect spectators and vessels from potential hazards associated with the St. Clair Shores Fireworks.

DATES: This temporary final rule is effective from 10 p.m. on June 22, 2018 through 11 p.m. on June 23, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0384 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 temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Detroit
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b) (B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this fireworks display in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 Detroit (COTP) has determined that potential hazard associated with fireworks from 10 p.m. on June 22, 2018 through 11 p.m. on June 23, 2018 will be a safety concern to anyone within a 700-foot radius of the launch site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks are being displayed.

IV. Discussion of the Rule

This rule establishes a safety zone from 10 p.m. on June 22, 2018 through 11 p.m. on June 23, 2018. The safety zone will encompass all U.S. navigable waters of Lake St. Clair, St. Clair Shores, MI, within a 700-foot radius of position 42° 31.6′ N, 082°52.03′ W (NAD 83). No vessel or person will be permitted to enter the safety zone without obtaining permission from 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 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. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of Lake St. Clair 10 p.m. on June 22, 2018 through 11 p.m. on June 23, 2018. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNM) via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

This rule will not call for a new collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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.T09–0384 to read as follows:

§ 165.T09–0384 Safety Zone; St. Clair Shores Fireworks, Lake St. Clair, St. Clair Shores, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of Lake St. Clair, St. Clair Shores, MI, within a 700-foot radius of position 42°31.6′ N, 082°52.03′ W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) will be enforced from 10 p.m. until 11 p.m. on June 22, 2018. In the case of inclement weather on June 22, 2018, this safety zone will be enforced from 10 p.m. to 11 p.m. on June 23, 2018.

(c) *Regulations.* (1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his on-scene representative may be contacted via VHF Channel 16 or at (313) 568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: May 3, 2018.

Jeffrey W. Novak,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2018–10771 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0651]

RIN 1625–AA00

Safety Zone; Navy Underwater Detonation (UNDET) Exercises, GU

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing two recurring safety zones for navigable waters of Apra Outer Harbor and Piti, Guam. The safety zones will encompass sites designated for U.S. Navy underwater detonation (UNDET) exercises. The Coast Guard believes this safety zone regulation is necessary to protect the public and exercise participants within the affected area from possible safety hazards associated with these exercises. These safety zones will impact a small designated area of navigable waters in Apra Harbor and Piti during periods of times, many of which are of short duration, on days requested by the Navy for UNDET exercises. With the exception of exercise participants, entry of vessels or persons into the zone is prohibited unless specifically authorized by the Captain of the Port Guam.

DATES: This rule is effective June 20, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0651 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 Robin Branch, Sector Guam, U.S. Coast Guard; telephone (671) 355–4835, email *wwmguam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

U.S. Navy UNDET exercises occur multiple times throughout the year to train and prepare personnel for operational missions. We have established safety zones for these Navy UNDETs in past years through a temporary final rulemaking for each exercise. For all subsequent exercises, we propose to establish recurring safety zones through this regulation to safeguard the public and exercise participants within the affected area from possible safety hazards associated with the exercises.

In response, on February 9, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Navy Underwater Detonation (UNDET) Exercise, Apra Outer Harbor, GU (83 FR 5751–5753). In the NPRM, we stated the purpose and need for the safety zone, and invited comments on our proposed regulatory action related to these safety zones. During the comment period that ended March 26, 2018, we received 2 comments in support of the proposed rule.

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 Guam (COTP) has determined that potential hazards associated with the UNDET exercises will be a safety concern for anyone within a 700 yard radius around the two locations with the exception of exercise participants. The purpose of these safety zones is to protect the public and exercise participants from possible safety hazards associated with the exercises.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received two comments on our NPRM published February 9, 2018. Both comments supported the rule, and proposed no changes. The only change made will be to the title of the rule. The original title from the proposed rule in the NPRM was ''Safety Zone; Navy Underwater Detonation (UNDET) Exercise, Apra Outer Harbor, GU''. The title will be changed to ''Safety Zone; Navy Underwater Detonation (UNDET) Exercises, GU'' which better reflects the rule. There are no changes in the regulatory text of this rule from the NPRM.

The COTP proposed to establish two recurring safety zones for certain periods of time, many of which are of short duration, on days requested by the Navy for UNDET exercises. The safety zones will cover all navigable waters within a 700 yard radius above and below the surface for the Apra Outer Harbor UNDET site and a 700 yard radius above and below the surface for the UNDET Piti site. The duration of the safety zones is intended to protect personnel, vessels, and the marine environment in these navigable waters during the UNDET exercise. With the exception of exercise participants, no vessel or person will be permitted to enter the safety zones without obtaining permission from 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 a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the safety zones. Vessel traffic will be able to safely transit around these safety zones, which will impact a small designated area of waters off of Piti, Guam, and in Apra Outer Harbor for certain periods of time, many of which are of short duration, on days requested by the Navy for UNDET exercises. The UNDET exercises occur approximately 10 times a year, although additional exercises may be required based on Navy training needs. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zones and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard 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 Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing two recurring safety zones for periods of time, many of which are of short duration, on days requested by the Navy for UNDET exercises that will prohibit entry within 700 yards radius above and below the surface for the Apra Outer Harbor UNDET site and a 700 yard radius above and below the surface for the Piti UNDET site. It is categorically excluded from further review under paragraph L[37] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.1402 to read as follows:

§ 165.1402 Safety Zone; Navy Underwater Detonation (UNDET) Exercises, GU.

(a) *Location.* The following areas, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, are safety zones:

(1) *Apra Outer Harbor, Guam.* All waters above and below the surface bounded by a circle with a 700 yard radius centered at 13 degrees 27 minutes 42 seconds North Latitude and 144 degrees 38 minutes 30 seconds East Longitude, (NAD 1983).

(2) *Piti, Guam.* All waters above and below the surface bounded by a circle with a 700 yard radius centered at 13 degrees 29 minutes 03 seconds North Latitude and 144 degrees 40 minutes 03 seconds East Longitude, (NAD 1983).

(b) *Enforcement periods.* This section will be enforced for designated periods of time, many of which are of short duration, on days requested by the Navy for purpose of UNDET exercises.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply. With the exception of exercise participants, no vessels may enter or transit safety zones in paragraph (a)(1) of this section and no persons in the water may enter or transit the safety zone in paragraph (a)(2) of this section unless authorized by the COTP or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce these safety zones.

Dated: April 27, 2018.

Christopher M. Chase,

Captain, U.S. Coast Guard, Captain of the Port, Guam.

[FR Doc. 2018–10823 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0425]

RIN 1625–AA00

Safety Zone; Bay-Rama Fish Fly Festival, Lake St. Clair, New Baltimore, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 900-foot radius of a portion of Lake St. Clair, New Baltimore, MI. This zone is necessary to protect spectators and vessels from potential hazards associated with the Bay-Rama Fish Fly Festival Fireworks.

DATES: This temporary final rule is effective from 10 p.m. on June 21, 2018 through 11 p.m. on June 22, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0425 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 temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Detroit
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this fireworks display in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 Detroit (COTP) has determined that potential hazard associated with fireworks from 10 p.m. on June 21, 2018 through 11 p.m. on June 22, 2018 will be a safety concern to anyone within a 900-foot radius of the launch site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks are being displayed.

IV. Discussion of the Rule

This rule establishes a safety zone from 10 p.m. on June 21, 2018 through 11 p.m. on June 22, 2018. The safety zone will be enforced from 10 p.m. through 11 p.m. on June 21, 2018. In the case of inclement weather on June 21, 2018, this safety zone will be enforced from 10 p.m. to 11 p.m. on June 22, 2018. The safety zone will encompass all U.S. navigable waters of Lake St. Clair, New Baltimore, MI, within a 900-foot radius of position 42°40.600′ N, 082°43.990′ W (NAD 83). No vessel or person will be permitted to enter the safety zone without obtaining permission from 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 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. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of Lake St. Clair from 10 p.m. on June 21, 2018 through 11 p.m. on June 22, 2018. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNM) via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0425 to read as follows:

§ 165.T09–0425 Safety Zone; Bay-Rama Fish Fly Festival Fireworks, Lake St. Clair, New Baltimore, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of the Lake St. Clair, New Baltimore, MI, within a 900-foot radius of position 42°40.600′ N, 082°43.990′ W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) will be enforced from 10 p.m. until 11 p.m. on June 21, 2018. In the case of inclement weather on June 21, 2018, this safety zone will be enforced from 10 p.m. until 11 p.m. on June 22, 2018.

(c) *Regulations.*

(1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his on-scene representative may be contacted via VHF Channel 16 or at (313) 568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: May 14, 2018.

Jeffrey W. Novak,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2018–10750 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0335]

Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Navy Pier Southeast Safety Zone within the Chicago Harbor during specified times from May 26, 2018 through January 1, 2019. This action is necessary and intended to ensure the safety of life and property on navigable waters prior to, during, and immediately after firework displays. During the enforcement periods listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulation in 33 CFR 165.931 will be enforced at the times specified below in **SUPPLEMENTARY INFORMATION** between May 26, 2018 through January 1, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT John Ramos, Waterways Management Division, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email *D09-DG-MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL listed in 33 CFR 165.931, on May 26, 2018 from 10:15 p.m. until 10:30 p.m.; Weekly events will occur each Saturday starting May 26, 2018 through September 1, 2018 from 10 p.m. until 10:30 p.m.; and each Wednesday starting May 30, 2018 through August 29, 2018 from 9:30 p.m. until 9:45 p.m. Additionally, this safety zone will also be enforced on July 4, 2018 from 9:30 p.m. until 10 p.m., on September 2, 2018 from 9:30 p.m. until 9:45 p.m., on December 1, 2018 from 9:30 p.m. until 9:45 p.m., and on December 31, 2018 from 11:45 p.m. until 12:30 a.m. on January 1, 2019. This safety zone encompasses all waters of Lake Michigan within Chicago Harbor bounded by coordinates beginning at 41°53′26.5″ N, 087°35′26.5″ W; then south to 41°53′7.6″ N, 087°35′26.3″ W; then west to 41°53′7.6″ N, 087°36′23.2″ W; then north to 41°53′26.5″ N, 087°36′24.6″ W; then east back to the point of origin (NAD 83). Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

This notice of enforcement is issued under authority of 33 CFR 165.931 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the above-specified enforcement periods

of this safety zone via Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via Channel 16, VHF–FM or at (414) 747-7182.

Dated: May 3, 2018

Thomas J. Stuhlreyer,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2018–10822 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2018–0080; FRL–9977–24—Region 9]

Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Stationary Sources; New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing action on revisions to the Bay Area Air Quality Management District (BAAQMD or District) portion of the California State Implementation Plan (SIP). These revisions concern permit program rules governing the issuance of permits for stationary sources, including review and permitting of major sources and major modifications under parts C and D of title I of the Clean Air Act (CAA), and the issuance and banking of Emission Reduction Credits. The revisions correct deficiencies in BAAQMD Regulation 2, Rules 1 and 2, and Regulation 2, Rule 4, previously identified by the EPA in final rules dated August 1, 2016, and December 4, 2017, respectively. Approval of this SIP revision terminates the sanctions clock and federal implementation plan (FIP) clock that were triggered by the EPA's limited disapproval of a related SIP submission on August 1, 2016.

DATES: This rule will be effective on June 20, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2018–0080. 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 through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region 9, (415) 972–3534, *yannayon.laura@epa.gov.*

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

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On March 1, 2018 (83 FR 8822), the EPA proposed to fully approve the following rules that were submitted for incorporation into the BAAQMD portion of the California SIP.

TABLE 1—SUBMITTED RULES

Regulation & Rule No.	Rule title	Amended	Submitted
Regulation 2, Rule 1 (Rule 2–1)	Permits, General Requirements	12/6/2017	12/14/17
Regulation 2, Rule 2 (Rule 2–2)	Permits, New Source Review	12/6/2017	12/14/17
Regulation 2, Rule 4 (Rule 2–4)	Permits, Emissions Banking	12/6/2017	12/14/17

We proposed approval of these rules because we determined that the rules met the statutory requirements for SIP revisions as specified in sections 110(l) and 193 of the CAA, as well as the substantive statutory and regulatory requirements for a NSR permit program as contained in CAA section 110(a)(2)(C), and 40 CFR 51.160–51.166.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received 13 comments on the proposed rule. Twelve of these comments raised issues that are outside the scope of our proposed approval of the BAAQMD rules, including climate change science, air toxics regulation, rare earth mining, wind power costs and regulations, and pipeline and export terminal construction. Although some commenters made general statements about the sufficiency of current air quality in the United States and the cost of additional regulation, these comments did not address the regulations at issue in the present rulemaking, nor did they indicate that the submitted rules do not meet the requirements of the Act. One commenter stated that ''adopting best available retrofit control technology (BARCT) is absolutely imperative if the air quality crisis is to be mitigated.'' BARCT is a state law requirement, not a requirement of the Clean Air Act. Therefore, consideration of BARCT is outside the scope of the present rulemaking.

The BAAQMD submitted a comment stating that it ''supports EPA's proposed approval of the Air District's New Source Review rule revisions,'' but noting that it disagrees with the EPA's characterization of portions of the District's prior submission of earlier versions of Regulation 2, Rules 1 and 2 as ''deficiencies.'' The District's previously submitted version of these rules is not presently before the EPA; therefore the comment is not germane to the present rulemaking. With respect to the rule that is presently before the Agency, the District states that it supports the proposed approval, and does not indicate that the submission does not meet all applicable requirements of the Act.[1]

[1] In its comment, the District stated that it incorporates by reference certain prior comments submitted by the District regarding the EPA's November 12, 2016 proposed action on the District's submission of a previous version of Regulation 2, Rules 1 and 2. These comments relate to a previous version of the rule, and the District does not suggest that they address deficiencies with the present rule, or issues germane to the present action. Moreover, the referenced comments were not properly presented to the Agency for consideration. As stated in our proposed rule, and the EPA's public comment guidance: ''[t]he EPA will generally not consider comments or comment contents located outside of the primary submission.'' 83 FR 8822. For these reasons, the EPA does not herein specifically respond to issues raised in the District's previously submitted comment in a separate rulemaking docket.

During the comment period the EPA also received four comments on the interim final determination to defer sanctions (83 FR 8750) that accompanied the proposed rule. These comments raised issues that were not germane to the interim final determination.

The EPA is required to approve a state SIP submission if the submittal meets all of the applicable requirements of the Act. 42 U.S.C. 7410(k)(3). None of the submitted comments indicate that the District's submittal of Regulation 2, Rules 1, 2, and 4 does not meet the requirements of the Act.

III. EPA Action

No comments were submitted that change our assessment that submitted Regulation 2, Rules 1, 2 and 4 satisfy the applicable CAA requirements. Therefore, under CAA sections 110(k)(3) and 301(a), and for the reasons set forth in our March 1, 2018 proposed rule, we are fully approving Regulation 2, Rules 1, 2 and 4. This action incorporates the submitted rules into the BAAQMD portion of the California SIP and makes them federally enforceable. In addition, because we are finalizing our proposed action, we are removing existing Regulation 2, Rules 1, 2 and 4 from the BAAQMD portion of the California SIP.

Upon the effective date of today's final approval, all sanctions clocks and FIP clocks that were triggered upon our final limited disapproval at 81 FR 50339 (August 1, 2016) of previous versions of Regulation 2, Rules 1 and 2, and deferred upon our interim final rule at 83 FR 8750 (March 1, 2018), are permanently terminated. In addition, by submitting an updated version of Regulation 2, Rule 4, addressing the deficiencies identified in our conditional approval at 82 FR 57133 (December 4, 2017), the District has met the commitment that served as the basis for our conditional approval. Therefore, upon the effective date of today's final approval of Regulation 2, Rule 4, amended December 6, 2017, the EPA is removing from the SIP the conditional approval of Regulation 2, Rule 4, amended December 19, 2012.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the rules listed in Table 1 of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and in hard copy at the U.S. Environmental Protection Agency, Region IX (Air-3), 75 Hawthorne Street, San Francisco, CA, 94105–3901.

V. Statutory and Executive Order Reviews

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

Under the Clean Air Act, 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 Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 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 approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, New source review, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: April 18, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(429)(i)(E)(*4*) and (c)(502) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(429) * * *

(i) * * *

(E) * * *

(*4*) Previously approved on August 1, 2016 in paragraphs (c)(429)(i)(E)(*1*) and (*2*), and on December 4, 2017 in paragraph (c)(429)(i)(E)(*3*) of this section and now deleted with replacement in paragraph (c)(502)(i)(A)(*1*) of this section, Regulation 2, Rules 1, 2, and 4.

* * * * *

(502) Amended regulations for the following APCD were submitted on December 14, 2017 by the Governor's Designee.

(i) *Incorporation by reference.* (A) Bay Area Air Quality Management District.

(*1*) Regulation 2, ''Permits,'' Rule 1, ''General Requirements,'' adopted on December 6, 2017; Regulation 2, ''Permits,'' Rule 2, ''New Source Review,'' adopted on December 6, 2017; and Regulation 2, ''Permits,'' Rule 4, ''Emissions Banking,'' adopted on December 6, 2017.

§ 52.248 [Amended]

■ 3. Section 52.248 is amended by removing and reserving paragraph (c).

[FR Doc. 2018–10691 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9978–05–Region 2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fulton Terminals Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Fulton Terminals Superfund site (Site), located in the City of Fulton, Oswego County, New York, originally consisted of an ''On-Property'' area and an ''Off-Property'' area. The On-Property area was deleted from the National Priorities List (NPL) in 2015. The Off-Property area remained on the NPL because residual groundwater contamination was still present. Because the groundwater in the Off-Property area has achieved the cleanup levels, the U.S. Environmental Protection Agency (EPA) is issuing this Notice of Deletion (NOD) of the Off-Property area from the NPL and requests public comments on this action.

DATES: This direct final deletion will be effective July 20, 2018 unless the EPA receives adverse comments by June 20, 2018. If adverse comments are received, the EPA will publish a timely withdrawal of this direct final NOD in the **Federal Register**, informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1983–0002, by one of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*
- *Email: tsiamis.christos@epa.gov.*
- *Mail:* To the attention of Christos Tsiamis, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, NY 10007–1866.
- *Hand Delivery:* Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007–1866 (telephone: 212–637–4308). Such deliveries are only accepted during the Record Center's normal hours of operation (Monday to Friday from 9:00 a.m. to 5:00 p.m.). Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002.

The EPA's policy is that all comments received will be included in the Docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or via email. The *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send comments to the EPA via email, your email address will be included as part of the comment that is placed in the Docket and made available on the website. If you submit electronic comments, the EPA recommends that you include your name and other contact information in the body of your comments and with any disks or CD–ROMs that you submit. If the EPA cannot read your comments because of technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comments fully. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses.

All documents in the Docket are listed in the *http://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 can be obtained either electronically at *http://www.regulations.gov* or in hard copy at:

U.S. Environmental Protection Agency, Region 2, Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007–1866, *Phone:* 212–637–4308, *Hours:* Monday to Friday from 9:00 a.m. to 5:00 p.m., and

Fulton Public Library, 160 South First Street, Fulton, NY 13069, *Phone:* 315–592–5159, *Hours:* Tue–Thu: 9:00 a.m.–7:00 p.m., Fri: 9:00 a.m.–5:00 p.m., Sat: 10:00 a.m.–3:00 p.m.

FOR FURTHER INFORMATION CONTACT: Christos Tsiamis, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, 290 Broadway, 20th Floor, New York, NY 10007–1866, 212–637–4257, or *tsiamis.christos@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

The Site, located in the City of Fulton, Oswego County, New York, originally consisted of an ''On-Property'' area, an approximately 1.5-acre parcel of land bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481 and on the north by a warehouse, and an ''Off-Property'' area, defined by the area between the On-Property area's western property boundary to the Oswego River (approximately 50 feet).

The On-Property area was deleted from the NPL on April 6, 2015 (80 FR 5957). Because residual groundwater contamination (cis-1,2-dichloroethene [DCE] and vinyl chloride [VC]) was still present at the Off-Property area, the Off-Property area remained on the NPL, and

groundwater monitoring and five-year reviews were still required for this area.

Groundwater samples were collected from the Off-Property area in July 2016, June 2017, and September 2017, and they were analyzed for cis-1,2–DCE and VC. The reported concentrations of these constituents detected in the analyses of these samples were all below the cleanup levels, with two of the three being ''non-detect'' (meaning concentrations were below the laboratory detection limits of 0.5 micrograms per liter [µg/L]). Based on an analysis of all the groundwater monitoring wells and associated contaminant-specific data, it was concluded that the groundwater remedy has achieved the cleanup levels selected for the Site, and data analysis indicates that the contaminant levels in the groundwater will remain below these standards. Therefore, the EPA has determined that the response action is completed and that no further groundwater monitoring or five-year reviews at the Site are necessary.

EPA Region 2 is publishing this direct final NOD of the Site from the NPL. The NPL constitutes appendix B of 40 CFR part 300, which is part of the NCP, which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The EPA maintains the NPL as the list of releases that appear to present a significant risk to public health, welfare, or the environment. The releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in § 300.425(e)(3) of the NCP, a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions at the site warrant such actions.

The EPA and the State of New York, through the New York State Department of Environmental Conservation (NYSDEC), have determined that all appropriate response actions under CERCLA have been completed at the Site and that it no longer poses a threat to public health or the environment. Therefore, the EPA and NYSDEC have concluded that this NOD may proceed. However, this deletion does not preclude future actions under Superfund should future conditions warrant such action.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Off-Property area and demonstrates how it meets the deletion criteria. Section V discusses the EPA's action to delete the Off-Property area from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no response or no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), The EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other parties have implemented all appropriate response actions required;

ii. All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

iii. The remedial investigation (RI) has shown that the release of hazardous substances poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, the EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. The EPA conducts such five-year reviews even if a site is deleted from the NPL. The EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion of the Off-Property area.

i. The EPA consulted with the State of New York prior to developing this direct final NOD and the Notice of Intent to Delete (NOID) also published today in the ''Proposed Rules'' section of the **Federal Register**.

ii. The EPA has provided the State with 30 working days for review of this notice and the parallel NOID prior to their publication today, and the State, through the NYSDEC, has concurred on the deletion of the Off-Property area from the NPL.

iii. Concurrent with the publication of this direct final NOD, a notice of the availability of the parallel NOID is being published in a major local newspaper, the *Palladium-Times.* The newspaper notice announces the 30-day public comment period concerning the NOID regarding the Off-Property area from the NPL.

iv. The EPA placed copies of documents supporting the proposed deletion in the Deletion Docket and made these items available for public inspection and copying at the Site information repositories identified above.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist the EPA's management of sites. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for further response actions should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides the Agency's rationale for deleting the Off-Property area from the NPL.

Site Background and History

The Site (NYD980593099), located in the City of Fulton, Oswego County, New York, originally consisted of a 1.5-acre ''On-Property'' area, which is bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481, and on the north by a warehouse, and an ''Off-Property'' area, defined by the area between the On-Property area's western property boundary to the Oswego River (approximately 50 feet). The Site is in an industrial section of the City of Fulton. The Oswego River is used for recreation. Residences, city and county offices, and several businesses are located within a 1,500-foot radius of the Site.

From 1936 to 1960, the primary activity on the On-Property area was the manufacturing of roofing materials, which involved the storage of asphalt in above-ground tanks and fuel oil storage in underground tanks. From 1972 to 1977, the property was used by Fulton Terminals, Inc. as a staging and storage area for solvents and other materials that were scheduled for incineration at the Pollution Abatement Services facility located elsewhere in Oswego, New York. Operations at the Fulton Terminals facility resulted in the contamination of the groundwater, soil, and sediments with volatile organic compounds (VOCs).

From 1981 to 1983, Fulton Terminals, Inc. removed several tanks as part of a voluntary cleanup program. These activities ceased in 1983 after the facility operator was fined by the NYSDEC for the improper disposal of polychlorinated biphenyls. The Site was listed on the NPL in 1983.

The EPA and certain potentially responsible parties (PRPs) conducted removal activities at the Site in 1986, consisting of constructing a seven-foot perimeter fence around the Site, posting warning signs, removing two above-ground tanks and two underground tanks, removing approximately 300 cubic yards (CY) of visibly-contaminated soil and tar-like wastes, and excavating storm drains that were acting as a conduit for contaminated runoff to enter the Oswego River during storm events. An additional removal action was performed in 1990, which involved the construction of earthen barriers for the prevention of surface runoff from the Site.

Remedial Investigation and Feasibility Study Results

From 1985 to 1987, NYSDEC's contractor, URS Company, Inc., performed a remedial investigation/feasibility study (RI/FS) at the Site. The RI/FS report that was generated from these efforts was declared invalid by NYSDEC because of problems associated with the laboratory analyses. A revised RI/FS report, based on additional sampling, was prepared by NYSDEC's contractor in 1988. The EPA concluded, however, that the revised RI/FS report did not fully characterize the Site. Accordingly, the EPA performed a supplemental RI/FS. The conclusions set forth in the supplemental RI/FS, completed in 1989 by the EPA's contractor, Ebasco Services, Inc., indicated that various VOCs were present in the unsaturated soil (above the water table) and in the groundwater at the Site. An Endangerment Assessment for the Site, which was also completed in 1989, contained conclusions that minimal human health risks were associated with the existing Site conditions. However, the supplemental RI/FS process revealed that the leaching of VOCs from the contaminated on-site soil into the groundwater posed a risk to the environment.

Record of Decision Findings

On September 29, 1989, a Record of Decision (ROD) was signed, in which the EPA documented the selection of excavation and low temperature thermal desorption (LTTD) as the treatment method of approximately 4,000 CY of contaminated soils located above the water table, and pumping, air stripping, carbon adsorption, and reinjection as the treatment method for the contaminated groundwater. The remedy also included the implementation of institutional controls to prevent the utilization of the groundwater at the Site. The objective of the soil remedy was to reduce the concentrations of VOCs in the soils to levels that would no longer cause the groundwater quality to exceed groundwater standards because of percolation of precipitation through the unsaturated soils.

Remedy Implementation

A consent decree was signed by the PRPs in 1990, in which they agreed to design and implement the remedy called for in the ROD. The consent decree became effective in 1991.

Soil Remediation

The remedial design (RD) of the soil excavation and treatment was initiated by Blasland, Bouck & Lee, Inc. (BBL), the contractor for the PRPs, in 1991.

Pre-RD sampling revealed the presence of a significant amount of contamination in the deep soil (from the water table down to bedrock). Because the contaminated soil below the water table would continue to leach contaminants to the groundwater, the EPA concluded that remediating this soil would be beneficial to the long-term groundwater cleanup.

Remedial alternatives to address the contaminated soils below the water table were evaluated in a focused feasibility study (FFS) completed by BBL in 1994. The EPA determined that specialized methods for stabilizing the deep excavation area would be required for the removal of the contaminated soils because of the excavation depth, the need for control of groundwater infiltration into the excavation area, and the proximity of the Site to the Oswego River.

Based on the results of the pre-RD sampling effort and the findings of the FFS, the EPA modified the soil remedy in a 1994 Explanation of Significant Differences (ESD). The ESD called for the excavation of the VOC-contaminated soils in the saturated zone (below the water table), followed by the treatment of the excavated soils by LTTD.

Following the completion of the plans and specifications related to the soil remedy in 1995, BBL initiated construction of the soil remedy. Because of the proximity of the Site to the Oswego River, a ''freeze wall'' was used, which is a construction process whereby the ground is frozen at depth to allow the dry excavation of contaminated soils below the water table. The excavation, treatment, and backfilling were completed in 1996. The total amount of contaminated source material that was remediated was 10,200 CY. Post-excavation soil sampling results indicated that residual levels of VOCs in soils were well below the target cleanup levels. A Remedial Action Report documenting the completion of the soil remedy was approved by the EPA on September 30, 1996.

Groundwater Remediation

The groundwater remedy called for in the ROD required the reduction of VOC concentrations to federal Maximum Contaminant Levels (MCLs) and New York State's groundwater quality standards by pumping the groundwater from the saturated sand and gravel zone underlying the Site, treating the groundwater by air stripping and carbon adsorption, and reinjecting the water into the saturated sand and gravel zone.

The design of the groundwater remediation was performed from 1991 to 1994. Initiation of the groundwater remedial action was, however, postponed until all the soil activities at the Site were completed. At that time, a horizontal extraction well system consisting of a gallery of perforated piping and a collection manhole was installed at the base of the excavation. Given the overall effectiveness of the soil remedy, it was determined that groundwater standards could be achieved within a relatively short time frame if the groundwater extraction could be commenced immediately. Utilizing a mobile treatment system, an expedited pumping of the contaminated groundwater commenced on February 11, 1997. The operation of the groundwater extraction and treatment system (including groundwater reinjection/surface water discharge), as well as weekly influent/effluent monitoring conducted during its operation, was performed by Clean Harbors on behalf of the PRPs. The system was shut down on May 30, 1997, when sampling data of the influent indicated that the objectives of the expedited pumping program had been achieved. During the 12-week operation period, approximately 8.8 million gallons of contaminated groundwater were extracted and treated. Subsequent groundwater sampling showed that MCLs had been achieved in the source area, and groundwater modeling indicated that the Off-Property VOCs would naturally attenuate in a ''reasonable'' time frame (*i.e.,* within 20 to 30 years). Residual subsurface ice from the freeze wall precluded an

accurate evaluation of the groundwater remedy performance (the two downgradient monitoring wells were frozen). Following the forced thaw of the freeze wall via steam injection by the PRPs in 1998, the temperature of the groundwater and the concentrations of contaminants were monitored. Groundwater samples collected in 1999 indicated that the freeze wall was no longer intact (*i.e.,* the two monitoring wells were free of ice) and that the contamination levels in these wells were decreasing. Completion of the groundwater operation and transition to long-term groundwater monitoring was documented in the September 30, 1999 Remedial Action Report.

Institutional Controls

The remedy included the implementation of institutional controls to prevent the utilization of the groundwater at the Site. A deed restriction prohibiting the installation of wells at the Site was filed with the Oswego County Clerk's office on July 31, 2009. Groundwater has been remediated to attain drinking water standards. Therefore, this institutional control is no longer a necessary component of the CERCLA response action.

Deletion of On-Property Area of Site

On April 6, 2015, the On-Property area was deleted from the NPL. This deletion addressed all media for this area, namely surface soils, subsurface soils, and groundwater. Because residual groundwater contamination remained in the Off-Property area, groundwater monitoring and five-year reviews were still required for the Off-Property area. Information supporting the partial deletion of the On-Property area can be found in the **Federal Register** (80 FR 5957).

Five-Year Review

Five-year reviews of the Site were performed in September 2004, June 2009, and May 2014. In the last five-year review, the EPA concluded that the implemented remedy is protective of human health and the environment.

Based on the determination that the remedy's cleanup levels for groundwater have been achieved, no further five-year reviews are warranted because the Site has achieved unlimited use/unrestricted exposure. This determination is documented in a December 21, 2017 memorandum from John Prince, Acting Director, Emergency and Remedial Response Division, EPA Region 2, to James Woolford, Director, Office of Superfund Remediation and Technology Innovation, entitled *Fulton Terminals Superfund Site (EPA ID# NYD980593099)—Cessation of Five-Year Reviews.*

Community Involvement

Public participation activities for the Site have been satisfied as required pursuant to CERCLA sections 113(k) and 117, 42 U.S.C. 9613(k) and 9617. As part of the remedy selection process, the public was invited to comment on the proposed remedy. All other documents and information that the EPA relied on or considered in recommending this deletion are available for the public to review at the information repositories identified above.

Determination That the Site Meets the Criteria for Deletion From the NCP

For groundwater restoration remedies, the EPA recommends in OSWER 9355.0–129, *Guidance for Evaluating Completion of Groundwater Restoration Remedial Actions,* that contaminant of concern (COC) concentrations be evaluated on a monitoring well-by-monitoring well basis to assess whether aquifer restoration is complete (*i.e.,* that the groundwater has met and will continue to meet cleanup levels for all COCs in the future). The guidance document includes a recommendation that sufficient data be collected and evaluated using appropriate visual or statistical methods to assist in this determination.

After completion of the groundwater portion of the remedy in 1999, a sampling and analysis plan to assess the effectiveness of the groundwater remedy was completed. The groundwater monitoring well network included three source-area (*i.e.,* On-Property) monitoring wells and five Off-Property monitoring wells. The initial plan required three years of post-remedy groundwater monitoring (March 2000 through September 2002) to verify the successful performance of the groundwater remedy. In October 2003, the groundwater long-term monitoring was extended for an additional three years.

Groundwater samples collected from 2000–2004 showed ''non-detect'' concentrations for all the groundwater COCs in six of the eight monitoring wells (two Off-Property area wells still had elevated concentrations of trichloroethylene [TCE], cis-1,2-DCE, and VC). As a result, sampling at the six monitoring wells was discontinued and they were properly abandoned in 2004.

As of 2004, the two remaining monitoring wells demonstrated attainment of the groundwater related to the TCE cleanup level; however, cis-1,2-DCE and VC concentrations remained above their respective cleanup levels, though concentration trends were decreasing. As a result, biannual sampling continued at these two monitoring wells.

In 2006, it was determined that the groundwater had reached cleanup levels for multiple sampling events in one of the two remaining Off-Property area monitoring wells. As such, sampling at this well was discontinued in 2006. Through 2009, biannual sampling continued. Groundwater in the one remaining monitoring well continued to show cis-1,2- DCE and VC above their respective cleanup levels. It was determined that groundwater sampling should continue. Samples were collected from 2009 to 2017 and were used to demonstrate attainment, as discussed below.

Cis-1,2-DCE Attainment Analysis

Five data points from 2013 to 2017 were analyzed using both a visual and statistical analysis. Specific to the groundwater meeting the cis-1,2-DCE cleanup level of 5 µg/L, a statistical analysis was conducted, and the EPA concluded that the mean concentration was 3.1 µg/L; however, much like the VC data, because of statistical variation, the 95 percent upper confidence limit on the mean was 14.1 µg/L. Although the upper confidence limit was three times the cleanup level, the last three data points collected in 2016 and 2017 were all below the cleanup level, with two of the three being ''non-detect'' (below the laboratory detection limit of 0.5 µg/L) As such, it was determined that the data provided assurance that the cleanup level for cis-1,2-DCE had been met in this monitoring well.

The data was also evaluated using a time-dependent trend. The trend for the five data points had a statistically significant decreasing sloping providing assurance that the groundwater will continue to meet the cleanup level.

VC Attainment Analysis

Six data points from 2009 through 2017 were analyzed using both a visual and statistical analysis. Specific to the groundwater meeting the VC cleanup level of 2 µg/L, a statistical analysis was conducted for the six data points, and the EPA concluded that the mean concentration was 1.2 µg/L; however, because of statistical variation, the 95 percent upper confidence limit on the mean was 2.8 µg/L, slightly above the cleanup level of 2 µg/L. Although the upper confidence limit was slightly above 2 µg/L, the last three data points collected in 2016 and 2017 are all below the cleanup level, with two of the three being ''non-detect'' (below the

laboratory detection limit of 0.5 µg/L). As such, it was determined that the data provided assurance that the cleanup level for VC had been met in this monitoring well.

The data was also evaluated using a time-dependent trend. The trend for the six data points had a statistically significant decreasing slope providing assurance that the groundwater will continue to meet the cleanup level.

Conclusion

Based on this analysis of all groundwater monitoring wells and associated contaminant-specific data, it has been concluded that the groundwater remedy has achieved the remedial cleanup levels, and data analysis indicates that the groundwater will remain below these standards. Therefore, the groundwater restoration remedial action is complete in accordance with the remedy, and further groundwater monitoring at the Site is no longer necessary.

All the completion requirements for the Off-Property area have been met, as described in the December 28, 2017 Final Close-Out Report. The State of New York, in a March 7, 2018 letter, concurred with the proposed deletion of the Site from the NPL.

The NCP specifies that the EPA may delete a site from the NPL if ''responsible parties or other persons have implemented all appropriate response actions required.'' 40 CFR 300.425(e)(1)(i). The EPA, with the concurrence of the State of New York, through NYSDEC, believes that this criterion for the deletion of the Site has been met in that the Site no longer poses a threat to public health or the environment. Consequently, the EPA is deleting the Site from the NPL. Documents supporting this action are available in the Site files.

V. Deletion Action

The EPA, with the concurrence of the State of New York through NYSDEC, has determined that all appropriate responses under CERCLA have been completed at the Site and that it no longer poses a threat to public health or the environment. Therefore, the EPA is deleting the Site from the NPL.

The Site is now suitable for unlimited use and unrestricted exposure. Therefore, no further five-year reviews will be conducted for this Site. The deletion does not preclude future action under CERCLA. Because the EPA considers this action to be noncontroversial and routine, the EPA is taking this action without prior publication. This action will be effective July 20, 2018 unless the EPA receives adverse comments by June 20, 2018. If adverse comments are received within the 30-day public comment period of this action, the EPA will publish a timely withdrawal of this direct final NOD before the effective date of the deletion, and the deletion will not take effect. The EPA will prepare a response to comments and continue with the deletion process based on the NOID and the comments received. In such a case, there will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 19, 2018.

Peter D. Lopez,

Regional Administrator, EPA, Region 2.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300 [Amended]

■ 2. Table 1 of appendix B to part 300 is amended by removing the listing under New York for ''Fulton Terminals''.

[FR Doc. 2018–10798 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20 and 68

[CG Docket No. 13–46, WT Docket Nos. 07–250 and 10–254; FCC 17–135]

Hearing Aid Compatibility Standards

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 rules adopted in the Commission's document Access to Telecommunication Equipment and Services by Persons with Disabilities; Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets et. al., Report and Order and Order on Reconsideration (Order). This document is consistent with the Order, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The additions of §§ 68.501 through 68.504 (subpart F), published at 83 FR 8624, February 28, 2018, are effective May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Susan Bahr, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–0573, or email: *Susan.Bahr@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on May 1, 2018, OMB approved, for a period of three years, the information collection requirements contained in the Commission's Order, FCC 17–135, published at 83 FR 8624, February 28, 2018. The OMB Control Number is 3060–0687. 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 Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–0687, in your correspondence. The Commission will also accept your comments via the internet if you send them to *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), (844) 432–2275 (videophone), or (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 OMB approval on May 1, 2018, for the information collection requirements contained in the Commission's rules at §§ 68.501 through 68.504.

Under 5 CFR 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 3060–0687.

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: 3060–0687.

OMB Approval Date: May 1, 2018.

OMB Expiration Date: May 31, 2021.

Title: Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87–124.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit entities; not-for-profit entities.

Number of Respondents and Responses: 331 respondents; 3,028 responses.

Estimated Time per Response: .25 hours (15 minutes) to 24 hours.

Frequency of Response: Annual and on-occasion reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 710 of the Communications Act of 1934, as amended, 47 U.S.C. 610.

Total Annual Burden: 7,236 hours.

Total Annual Cost: $991,618.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: This information collection pertains to the extension of the currently approved information collection requirements concerning hearing aid compatibility (HAC) for wireline handsets used with the legacy telephone network, updated estimates of existing burdens that were included in the February 2015 PRA submission to OMB, and new information collection requirements related to HAC for wireline handsets used with advanced communications services (ACS), such as Voice over Internet Protocol (VoIP). These handsets are known as ACS telephonic customer premises equipment (ACS telephonic CPE).

Beginning in the 1980s, the Commission adopted a series of regulations to implement statutory directives requiring wireline telephone handsets in the United States (for use with the legacy telephone network) to be hearing aid compatible. In 2010, the Twenty-First Century Communications and Video Accessibility Act (CVAA), Public Law 111–260, sec. 102, 710(b), 124 Stat. 2751, 2753 (CVAA) (codified at 47 U.S.C. 610(b)), amended by Public Law 111–265, 124 Stat. 2795 (technical corrections to the CVAA), amended section 710(b) of the Communications Act of 1934 to apply the HAC requirements to ACS telephonic CPE, including VoIP telephones. In accordance with this provision, the Commission adopted Access to Telecommunications Equipment and Services by Persons with Disabilities *et al.,* Report and Order and Order on Reconsideration, FCC 17–135, released October 26, 2017, which amended the HAC rules to cover ACS telephonic CPE to the extent such devices are designed to be held to the ear and provide two-way voice communication via a built-in speaker.

The information collections contain third-party disclosure and labeling requirements. The information is used to inform consumers who purchase or use wireline telephone equipment whether the telephone is hearing aid compatible; to ensure that manufacturers comply with applicable regulations and technical criteria; to ensure that information about ACS telephonic CPE is available in a database administered by the Administrative Council for Terminal Attachments (ACTA); and to facilitate the filing of complaints about the ACS telephonic CPE.

Wireline Handsets Used With the Legacy Telephone Network

- 47 CFR 68.224 requires that every non-hearing aid compatible wireline telephone used with the legacy wireline network that is offered for sale to the public contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible. If the handset is offered for sale without a surrounding package, then the telephone must be affixed with a written statement that the telephone is not hearing aid compatible. In addition, each handset must be accompanied by instructions in accordance with 47 CFR 68.218(b)(2).
- 47 CFR 68.300 requires that all wireline telephones used with the legacy wireline network that are manufactured in the United States (other than for export) or imported for use in the United States and that are hearing aid compatible have the letters ''HAC'' permanently affixed.

ACS Telephonic CPE

- New § 68.502(a) of the Commission's rules contains information collection requirements for ACS telephonic CPE that are similar to the HAC label and notice requirements in 47 CFR 68.224 and 68.300 (discussed above), *i.e.,* the ''HAC'' labeling requirement for hearing aid compatible equipment, and the package information for non-hearing aid compatible equipment, apply to ACS telephonic CPE.
- New § 68.501 of the Commission's rules requires responsible parties to obtain certifications of their equipment by using a third-party Telecommunications Certification Body (TCB) or a Supplier's Declaration of Conformity. (A responsible party is the party, such as the manufacturer, that is responsible for the compliance of ACS telephonic CPE with the hearing aid compatibility rules and other applicable technical criteria. A Supplier's Declaration of Conformity is a procedure whereby a responsible party makes measurements or takes steps to ensure that CPE complies with technical standards, which results in a document by the same name.) Section 68.501 of the Commission's rules applies to ACS telephonic CPE rule sections defining the roles of TCBs and the uses of Supplier's Declarations of Conformity for wireline handsets used with the legacy telephone network.
- New § 68.504 of the Commission's rules requires information about ACS telephonic CPE to be included in a database administered by ACTA. (ACTA is an organization, previously created pursuant to FCC regulations, whose key function is to maintain a database of telephone equipment.) In addition, ACS telephonic CPE must be labeled as required by ACTA.
- New § 68.502(b) through (d) of the Commission's rules requires responsible parties to: Warrant that ACS telephonic CPE complies with applicable regulations and technical criteria; give the user instructions required by ACTA for ACS telephonic CPE that is hearing aid compatible; give the user a notice for ACS telephonic CPE that is not hearing aid compatible; and notify the purchaser or user of ACS telephonic CPE whose approval is revoked, that the purchaser or user must discontinue its use.
- New § 68.503 of the Commission's rules requires manufacturers of ACS telephonic CPE to designate an agent for service of process for complaints that may be filed at the FCC.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–10767 Filed 5–18–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 14–58; FCC 17–12]

Connect America Fund, ETC Annual Reports and Certifications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) amends its rules to require 2 terabytes of monthly usage for certain Connect America Fund Phase II auction performance tiers, taking another step towards implementing the Connect America Fund Phase II auction in which service providers will compete to receive support of up to $1.98 billion to offer voice and broadband service in unserved high-cost areas.

DATES: The amendment to § 54.309(a)(2)(iii) & (iv) of the Commission's rules is effective June 20, 2018.

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

SUPPLEMENTARY INFORMATION: The Commission published a document in the **Federal Register**, 82 FR 14466, March 21, 2017 summarizing a Report and Order and Order on Reconsideration. Although the Report and Order and Order on Reconsideration specified a requirement of 2 terabytes of monthly usage on certain service tiers, the Report and Order and Order on Reconsideration inadvertently failed to include a rules appendix reflecting that change in the rules. The Commission issued an Erratum correcting that error, DA 18–293, released on March 26, 2018. This document includes the amendments that were inadvertently left out of the document published March 21, 2017.

List of Subjects in 47 CFR Part 54

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

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

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

PART 54—UNIVERSAL SERVICE

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

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

■ 2. Amend § 54.309 by revising paragraphs (a)(2)(iii) and (iv) to read as follows:

§ 54.309 Connect America Fund Phase II Public Interest Obligations.

(a) * * *

(2) * * *

(iii) Winning bidders meeting the above-baseline performance tier standards are required to offer broadband service at actual speeds of at least 100 Mbps downstream and 20 Mbps upstream and offer at least 2 terabytes of monthly usage.

(iv) Winning bidders meeting the Gigabit performance tier standards are required to offer broadband service at actual speeds of at least 1 Gigabit per second downstream and 500 Mbps upstream and offer at least 2 terabytes of monthly usage.

* * * * *

[FR Doc. 2018–10765 Filed 5–18–18; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 83, No. 98
Monday, May 21, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0312; Airspace Docket No. 18–AGL–07]

RIN. 2120–AA66

Proposed Establishment of Class E Airspace; Glen Ullin, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Glen Ullin Regional Airport, Glen Ullin, ND. Controlled airspace is necessary to accommodate new standard instrument approach procedures developed at Glen Ullin Regional Airport, for the safety and management of instrument flight rules (IFR) operations.

DATES: Comments must be received on or before July 5, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2018–0312; Airspace Docket No. 18–AGL–07, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0312; Airspace Docket No. 18–AGL–07.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Glen Ullin Regional Airport, Glen Ullin, ND, to accommodate new standard instrument approach procedures developed for the airport. This action would enhance safety and the management of IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL WI E5 Glen Ullin, ND [New]

Glen Ullin Regional Airport, ND
(Lat. 46°48′52″ N, long. 101°51′55″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Glen Ullin Regional Airport.

Issued in Fort Worth, Texas, on May 9, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–10654 Filed 5–18–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2015–F–3663]

Grocery Manufacturers Association; Denial of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; denial of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is denying a food additive petition (FAP 5A4811), submitted by the Grocery Manufacturers Association (GMA), requesting that the food additive regulations be amended to provide for the safe use of partially hydrogenated vegetable oils (PHOs) in certain food applications. We are denying the petition because we have determined that the petitioner did not provide sufficient information for us to conclude that the requested uses of PHOs are safe. To allow the food industry sufficient time to identify suitable replacement substances for the petitioned uses of PHOs, elsewhere in this issue of the **Federal Register** we have extended the compliance date for certain uses of PHOs, including the conditions of use covered by the FAP.

DATES: This document is applicable May 21, 2018. Submit either electronic or written objections and requests for a hearing on the document by June 20, 2018. Late, untimely objections will not be considered. See section VIII for further information on the filing of objections.

ADDRESSES: You may submit objections and requests for a hearing as follows.

Electronic Submissions

Submit electronic objections in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Objections submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection 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 objection, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').
- The *https://www.regulations.gov* electronic filing system will accept objections until midnight Eastern Time at the end of June 20, 2018.

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 objections submitted to the Dockets Management Staff, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''
- Objections received by mail/hand delivery/courier (for written/paper

submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before June 20, 2018.

Instructions: All submissions received must include the Docket No. FDA–2015–F–3663 for ''Grocery Manufacturers Association; Denial of Food Additive Petition.'' Received objections, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Ellen Anderson, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740–3835, 240–402–1309.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a document published in the **Federal Register** on October 28, 2015 (80 FR 65978), we announced that we filed FAP 5A4811 (''petition'') submitted by the Grocery Manufacturers Association, 1350 I St. NW, Suite 300, Washington, DC 20005 (''petitioner''). The petitioner requested that we amend the food additive regulations in 21 CFR part 172 *Food Additives Permitted for Direct Addition to Food for Human Consumption* to provide for the safe use of partially hydrogenated vegetable oils (PHOs) in the following food applications at specified maximum use levels: as a carrier or component thereof for flavors or flavorings, as a diluent or component thereof for color additives, as an incidental additive or processing aid, and as a direct additive in approximately 60 food categories. The petition was submitted in response to FDA's declaratory order issued on June 17, 2015 (80 FR 34650), announcing our final determination that there is no longer a consensus among qualified experts that PHOs are generally recognized as safe for any use in human food. In the declaratory order, we invited submission of food additive petitions with scientific evidence for one or more specific uses of PHOs for which the petitioner believes that safe conditions of use may be prescribed (as further discussed in section II).

FAP 5A4811 was submitted by GMA to FDA on June 11, 2015. During our initial review, we determined that the petition did not contain an environmental assessment as required under 21 CFR 25.15(a); therefore, we informed GMA that their petition did not meet the minimum requirements for filing in accordance with 21 CFR 171.1(c). On September 18, 2015, GMA resubmitted a complete FAP 5A4811, which we subsequently filed on October 1, 2015. During our initial review of FAP 5A4811, we identified several deficiencies that required resolution by GMA for us to continue with our review. We issued a letter to GMA on March 21, 2016, explaining the additional information required to resolve the petition's deficiencies. On May 5, 2016, GMA submitted a partial response to the deficiencies. The petition was then placed in abeyance by FDA, consistent with our procedures for food additive petitions.[1] The petitioner and FDA met several times in the months following to discuss the deficiencies.

On March 7, 2017, the petitioner submitted a substantive amendment to FAP 5A4811 that addressed the deficiencies identified by FDA. In accordance with 21 CFR 171.6, the petition was assigned a new filing date of March 7, 2017. The amended petition contained significant revisions to the proposed uses, exposure estimate, and safety assessment of PHOs. The revised petitioned uses of PHOs were limited to the following: (1) As a solvent or carrier for flavoring agents, flavor enhancers, and coloring agents; (2) as a processing aid, and (3) as a pan release agent for baked goods. Based on the revisions, the petitioner asserted that the amended uses of PHOs would present a de minimis increase in risk (in other words, a negligible increase in risk) and, therefore, are safe under the conditions of intended use. References to the ''petition'' henceforth in this document will denote the amended petition received on March 7, 2017.

II. Background

A. Statutory and Regulatory Requirements Regarding Food Additives

The Federal Food, Drug, and Cosmetic Act (FD&C Act) defines ''food additive,'' in relevant part, as any substance, the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component of food, if such substance is not generally recognized by experts as safe under the conditions of its intended use (section 201(s) of the FD&C Act (21 U.S.C. 321(s))). Food additives are deemed unsafe and prohibited except to the extent that FDA approves their use (sections 301(a) and (k) (21 U.S.C. 331(a) and (k)) and 409(a) (21 U.S.C. 348(a)) of the FD&C Act.)

The FD&C Act provides a process through which persons who wish to use a food additive may submit a petition proposing the issuance of a regulation prescribing the conditions under which the additive may be safely used (section 409(b)(1) of the FD&C Act). When FDA concludes that a proposed use of a food additive is safe, we issue a regulation authorizing a specific use of the substance.

B. Relevant Regulatory History of PHOs

On November 8, 2013, FDA issued a document (the tentative determination,

[1] Abeyance is an administrative category of petitions that are filed but non-active because of deficiencies that were identified during FDA's review. A petition remains in abeyance until either the petitioner provides FDA with the required information, requests a final decision based on the data currently in the petition, or requests withdrawal of the petition.

78 FR 67169), announcing our tentative determination that PHOs are no longer generally recognized as safe (GRAS) under any condition of use in food and therefore are food additives subject to section 409 of the FD&C Act. Because PHOs are the primary dietary source of industrially-produced *trans* fatty acids (IP–TFA), FDA's evaluation of the GRAS status of PHOs centered on the *trans* fatty acid (TFA, also referred to as ''*trans* fat'') component of these fats and oils. The tentative determination cited current scientific evidence of significant human health risks, namely an increased risk in coronary heart disease (CHD), associated with the consumption of IP–TFA (78 FR 67169 at 67172). The scientific evidence included results from controlled feeding studies on *trans* fatty acid consumption in humans, findings from long-term prospective epidemiological studies, and the opinions of expert panels that there is no threshold intake level for IP–TFA that would not increase an individual's risk of CHD (78 FR 67169 at 67172). Based on the evidence outlined in the tentative determination, we determined that there is no longer a consensus among qualified experts that PHOs are safe for human consumption (*i.e.,* PHOs do not meet the GRAS criteria.) The tentative determination also requested interested parties to submit comments and additional scientific data related to our tentative determination that PHOs are no longer GRAS (78 FR 67169 at 67174).

We received over 6000 comments in response to the tentative determination. We reviewed the comments before issuing our final determination as a declaratory order published on June 17, 2015 (the declaratory order, 80 FR 34650). The declaratory order included four major provisions: (1) PHOs are not GRAS for any use in human food; (2) for the purposes of the declaratory order, FDA defined PHOs as those fats and oils that have been hydrogenated, but not to complete or near complete saturation, and with an iodine value greater than 4 as determined by an appropriate method; (3) any interested party may seek food additive approval for one or more specific uses of PHOs with data demonstrating a reasonable certainty of no harm of the proposed use(s); and (4) FDA established a compliance date of June 18, 2018 (80 FR 34650 at 34651).

In our declaratory order finding that PHOs are no longer GRAS for any use in human food, we acknowledged that scientific knowledge advances and evolves over time. The declaratory order invited submission of scientific evidence as part of food additive petitions under section 409 of the FD&C Act for one or more specific uses of PHOs for which industry or other interested individuals believe that safe conditions of use may be prescribed. We also established a three-year delayed compliance date (compliance required no later than June 18, 2018) to provide time for submission and review and, if applicable requirements are met, approval of food additive petitions for uses of PHOs (80 FR 34650 at 34668).

III. Evaluation of Safety

A food additive cannot be approved for use unless the data presented to us establish that the food additive is safe for that use (section 409(c)(3)(A) of the FD&C Act). To determine whether a food additive is safe, the FD&C Act requires us to consider among other relevant factors: (1) Probable consumption of the additive; (2) cumulative effect of such additive in the diet of man or animals, taking into account any chemically or pharmacologically related substances in the diet; and (3) safety factors generally recognized by experts as appropriate for the use of animal experimentation data (section 409(c)(5) of the FD&C Act). Our determination that a food additive use is safe means that there is a ''reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use'' (§ 170.3(i) (21 CFR 170.3(i))).

FAP 5A4811 is not a typical food additive petition in that it is requesting food additive approval for existing uses of PHOs that industry, independent of FDA, had concluded were GRAS, but FDA subsequently determined such uses are not GRAS. Most food additive petitions seek premarket approval for new uses of food additives. Additionally, the approach that we normally use to evaluate safety of a direct food additive is not applicable for assessing the safety of IP–TFA in PHOs. Food additives are typically evaluated based on toxicological studies in animals, as described in our guidance, *Toxicological Principles for the Safety of Assessment of Food Ingredients* (also known as Redbook 2000).[2] However, key scientific evidence for the association of *trans* fat and CHD is based on human studies, including controlled feeding trials of *trans* fat intake and blood cholesterol levels in humans and long-term, prospective observational studies of *trans* fat intake and CHD risk in human populations (Ref. 1).

To establish with reasonable certainty that a food additive is not harmful under its intended conditions of use, we typically consider the projected human dietary exposure to the additive, the additive's toxicological data provided by the petitioner, and other relevant information (such as published literature) available to us. FDA scientists use these toxicological data (usually derived from animal and in vitro studies) to determine a no-observed effect level or a no-observed-adverse-effect-level, apply an appropriate safety factor to account for differences between animals and humans and differences in sensitivity among humans, and calculate the acceptable daily intake (ADI) for the food additive. The ADI is usually expressed in milligrams of food additive per kilogram body weight of humans. We compare an individual's estimated daily intake (EDI) of the additive from all food sources to the ADI established by toxicological data. The EDI is determined based on the amount of the additive proposed for use in particular foods and the amount of those foods consumed containing the additive, and on the amount of the additive from all other dietary sources. We typically use the EDI for the 90th percentile consumer of a food additive as a measure of high chronic dietary exposure. A food additive is generally considered safe for its intended uses if the EDI of the additive is less than the ADI. This approach assumes that a physiological threshold may exist below which exposure to an additive will not cause harm. In the case of PHOs, which contribute IP–TFA to the diet, the main toxicological data available to assess safety consists of controlled feeding trials and prospective observational studies in humans where the adverse health outcomes associated with the additive are increased CHD risk and other non-cancer risks (*e.g.,* stroke). To receive approval for the petitioned uses of PHOs, the petitioner has the responsibility to provide scientific evidence that establishes that the intended uses of PHOs are safe, including the expected dietary exposure to *trans* fat resulting from the intended uses of PHOs.

Our declaratory order references three safety memoranda prepared by FDA that document our review of the available scientific evidence regarding human health effects of *trans* fat, focusing on the adverse effects of *trans* fat on risk of CHD (Refs. 2–4). In addition, we previously reviewed the health effects of IP–TFA and PHOs in support of our tentative determination that PHOs are not GRAS in food (78 FR 67169) and in

[2] Redbook 2000 is available at *https://www.fda.gov/downloads/Food/GuidanceRegulation/UCM222779.pdf.*

1999 and 2003 in support of our proposed and final rules requiring declaration of *trans* fat in nutrition labeling of food (64 FR 62746 and 68 FR 41434). The safety reviews for the declaratory order, together with the previous safety reviews of IP–TFA and PHOs, provide important background scientific information for our review of FAP 5A4811.

The petition contains a review of recent scientific literature and expert opinions on *trans* fat consumption. GMA asserted that this information supports the following three conclusions, which are their reasons why they believe the petitioned uses of PHOs are safe:

1. ''The conservatively estimated probability of coronary heart disease risk falls below the probable *de minimis* non-cancer risk range.'' [3]

2. ''iTFA [4] exposure from the petitioned uses of PHOs (*i.e.,* 0.05%en [total energy intake per day]) is well below exposure levels in controlled feeding trials, and effects at these low iTFA exposures levels cannot be empirically established based on the currently available evidence.''

3. ''The incremental increase in iTFA intake of 0.05%en from the petitioned uses of PHOs is infinitesimally small and negligible in comparison to existing background dietary TFA exposure from intrinsic sources.''

(Petition, pp. 116–119)

In this petition denial, we discuss our evaluation of the petitioner's request and supporting information in section IV organized according to the following headings: A. Chemical Identity, Intended Technical Effects, and Petitioned Uses of PHOs; B. Estimated Exposure to *Trans* Fat; C. Recent Scientific Literature and Expert Opinions on *Trans* Fat Consumption; D. Recent Threshold Dose-Response Research; and E. Risk Estimates and Safety Arguments. Each of these sections provides a summary of the information provided by the petitioner followed by our evaluation of that information, prefaced with ''*FDA Assessment.*'' Additional information regarding our evaluation of the petition can be found in our three review memoranda (Refs. 5–7).

[3] As discussed in section E, the petitioner calculates what it considers to be de minimis risks for non-cancer health outcomes.

[4] The petitioner uses the abbreviation iTFA to refer to industrially-produced TFA in the petition.

IV. FDA's Review of FAP 5A4811

A. Chemical Identity, Intended Technical Effects, and Petitioned Uses of PHOs

The PHOs that are the subject of FAP 5A4811 are made from the following vegetable oils: Soy, cottonseed, coconut, canola, palm, palm kernel, and sunflower oils, or blends of these oils, and consist of up to 60 percent *trans* fatty acids. As discussed in section I, GMA requested approval of three uses of PHOs, which are as follows:

- PHO, or a blend of PHOs, used as a solvent or carrier, or a component thereof, for flavoring agents, flavor enhancers, and coloring agents intended for food use, provided the PHOs in the solvent or carrier contribute no more than 150 parts per million (ppm) (150 milligrams per kilogram (mg/kg)) IP–TFA to the finished food as consumed;
- PHO, or a blend of PHOs, used as a processing aid, or a component thereof, provided the PHOs in the processing aid contribute no more than 50 ppm (50 mg/kg) IP–TFA to the finished food as consumed;
- PHO, or a blend of PHOs, used as a pan release agent for baked goods at levels up to 0.2 grams/100 grams (0.2 g/100 g) in pan release spray oils, provided the PHO contributes no more than 0.14 g IP–TFA/100 g spray oil.

These proposed uses excluded dietary supplements. The physical and technical effects of the petitioned uses of PHOs were specified as: Release agents, either alone or in combination with other components (§ 170.3(o)(18)); processing aids or components thereof (§ 170.3(o)(24)); and as solvents, carriers and vehicles for fat soluble coloring agents, flavoring agents, and flavor enhancers (§ 170.3(o)(27)).

FDA Assessment

To better understand how PHOs would be used as processing aids, we requested that the petitioner provide specific examples. In an email dated May 15, 2017, the petitioner provided several examples of how PHOs may be used as processing aids. Many of the petitioner's examples involved the use of PHOs as a topical coating to prevent rancidity (*e.g.,* PHO-coated almond slices or candy pieces used as ingredients in cookies). We view this use of PHOs as having an ongoing technical effect in food (*e.g.,* to prevent rancidity and oxidation) and, therefore, we do not agree that this use would be considered a processing aid in accordance with §§ 170.3(o)(24) and 101.100(a)(3)(ii) (21 CFR 101.100(a)(3)(ii)). Because we are denying this petition, we did not need to resolve this issue regarding characterization of the technical or functional effect of these additives.

B. Estimated Exposure to Trans Fat

The petitioner provided exposure estimates for TFA from the petitioned uses of PHOs and from intrinsic (*i.e.,* naturally-occurring) sources such as dairy and meat from ruminant animals. To estimate exposure, the petitioner used food disappearance data from 2014 compiled by the U.S. Department of Agriculture (USDA) Economic Research Service, food consumption data from either the 2007–2010 or 2009–2012 National Health and Nutrition Examination Surveys (NHANES), and the intrinsic concentrations of TFA in the USDA National Nutrient Database for Standard Reference Release 27. The petitioner estimated the exposure to naturally-occurring TFA from intrinsic sources for the U.S. population (aged 2 years or more) to be 1.04 grams/person/day (g/p/d) at the mean and 1.91 g/p/d at the 90th percentile. If expressed as a percentage of total energy intake per day (%en), based on a 2000 calorie daily diet, the exposure to TFA from intrinsic sources would be 0.46%en at the mean and 0.75%en at the 90th percentile for the U.S population. The petitioner estimated the cumulative exposure to IP–TFA from all petitioned uses of PHOs in foods for the U.S. population aged 2 years or more to be 0.121 g/p/d (0.05%en) at the mean and 0.122 g/p/d (0.05%en) at the 90th percentile.

FDA Assessment

FDA agrees with the petitioner's estimated exposure to TFA from intrinsic sources, and we have no concerns regarding the general methodology used by the petitioner to estimate exposure to IP–TFA from the petitioned uses of PHOs. However, we believe the petitioner likely underestimated exposure to IP–TFA from the petitioned uses of PHOs for various reasons, such as their determination that 43 percent of the U.S. diet consists of processed foods, which we believe is too low, and not including all relevant NHANES food codes in their exposure estimate (Ref. 5). Although the petitioner's exposure estimate could be refined, we consider it sufficient for approximating exposure from the petitioned uses of PHOs.

C. Recent Scientific Literature and Expert Opinions on Trans Fat Consumption

FAP 5A4811 included sections on dietary guidelines and expert panel opinions pertaining to *trans* fat consumption. In addition, the petition

presented a summary of studies assessing the effects of dietary TFA on intermediate biomarkers such as low-density lipoprotein cholesterol (LDL–C), high-density lipoprotein cholesterol (HDL–C), and other emerging biomarkers of CHD risk, and the association of dietary TFA intake with risk of CHD and risk of adverse health outcomes other than CHD (*e.g.,* stroke, metabolic syndrome). Controlled feeding trials, prospective observational studies, and meta-analyses of these studies were included in the petitioner's scientific literature review.

FDA Assessment

As discussed in our review memorandum (Ref. 7), we found that the petitioner provided incomplete information on certain topics or misinterpreted some scientific conclusions.

1. Dietary Guidelines and Expert Panel Reviews

The petition discussed the major expert panel reports on the health effects of *trans* fat consumption from the U.S., Australia, Canada, the United Kingdom, the World Health Organization (WHO), the Food and Agriculture Organization, and the European Food Safety Authority. We note that while the petition provided a generally accurate summary of these expert reports, some important information was missing or understated. For example, the petition omits the expert opinions on the role of HDL–C as a biomarker for CHD. The petition also omits that, in addition to the Institute of Medicine's 2005 report (Ref. 8), many other expert panels have concluded that TFA has a progressive and linear adverse effect on blood lipids and associated CHD risk. Furthermore, the petition understated the recommendation from several expert panels that *trans* fat intake should be kept as low as possible by specifically limiting intake of IP–TFA from PHOs.

2. Effect of Changes In *Trans* Fat Intake on LDL–C and HDL–C

The petition identified five meta-analysis studies (which are combined analyses of multiple feeding trials) that quantified the effect of changes in *trans* fat intake on LDL–C and HDL–C in the blood of human test subjects. The petition's summary of these studies was appropriate; however, we note that two available meta-analyses studies were not included in the petition's discussion: Zock and co-workers (Refs. 9–11) and Brouwer (Ref. 12). In particular, the 2016 meta-analysis by Brouwer was an important study, commissioned by the WHO Nutrition Guidance Expert Advisory Group (NUGAG) Subgroup on Diet and Health, that affirmed the linear, progressive effect of *trans* fat intake on blood cholesterol levels (Ref. 12).

The petition mentioned another meta-analysis of newer studies conducted by Hafekost et al. (2015) which reported no significant effect on LDL–C from a 1%en TFA intake (including both naturally-occurring TFA and IP–TFA) in exchange for *cis*-monounsaturated fatty acids (*cis*-MUFA) (Ref. 13). The petition claimed that these results support the potential for a threshold *trans* fat intake below which no significant effect on blood lipids is observed. However, we disagree with the petitioner's interpretation of this study's conclusions (Ref. 7). We note that the criteria for inclusion of feeding trials in this meta-analysis were not rigorous. In several of the included studies, the diets were not fully controlled. We also note that Hafekost et al. did not conclude that their results supported the potential for a safe threshold intake level of TFA. Rather, the authors stated, ''An increase in LDL was consistent with the results of Brouwer et al., who identified a significant increase in LDL cholesterol with a percent increase in the intake of industrial TFA.'' Furthermore, Hafekost et al. conducted an additional analysis, including the earlier Brouwer et al. meta-analysis results together with their analysis of newer studies alone. The petition did not discuss these additional analyses. The combined results for the newer studies alone, together with the earlier meta-analysis, showed a statistically significant increase in LDL–C due to an increase of 1%en intake from TFA. In their overall summary, Hafekost et al. stated, ''The results of the current review are consistent with previous evidence which indicates a detrimental effect of consumption of TFA on changes in LDL and HDL blood cholesterol'' (Ref. 13).

Regarding HDL–C and CHD risk, the petition underemphasized the impact of *trans* fat intake on HDL–C. We note that the observed decrease in HDL–C due to TFA intake is consistently reported across the existing body of TFA research and that HDL–C has been recognized as a major risk factor for CHD (Ref. 7).

3. Prospective Observational Studies

The petition reviewed the results of prospective observational studies that estimate the association of long-term, habitual TFA intake with CHD risk in large, free-living populations. The petition reviewed five meta-analysis studies (that provided combined analyses of several individual prospective observational studies). The petition stated that the results of a recent meta-analysis by de Souza et al. in 2015 (Ref. 14) were consistent with previous meta-analyses in finding a statistically significant increased risk of CHD when comparing high to low TFA intake. Regarding individual prospective observational studies, the petition stated that, ''The results from these studies, while not able to demonstrate causality, provide supporting evidence that, although a relationship between increased CHD risk and high levels of TFA intake exists, this observed relationship is largely based on comparisons of differences in TFA intake above 1%en and has not been established at lower levels of intake.''

We note that the overall results of the meta-analyses and recently published prospective observational studies were generally summarized accurately in the petition. However, the petition tended to understate the strength of the evidence from the observational studies reviewed. In particular, the meta-analysis by de Souza et al., a rigorously conducted study commissioned by WHO NUGAG, stated that the ''positive associations between *trans* fat intake and CHD and CHD mortality'' were ''reliable and strong'' and provided supplementary analyses supporting a progressive and linear association of TFA intake and CHD risk (Ref. 14). Additionally, recently published studies by Li et al. in 2015 (Ref. 15) and Wang et al. in 2016 (Ref. 16), with long-term followup and increased statistical power, show significant increases in CHD or cardiovascular disease (CVD) risk at lower increments of TFA intake than the 1%en stated by the petitioner.

4. Other Health Outcomes

The petitioner concluded, after reviewing recent scientific literature, that there is limited, inconsistent, and/or weak evidence for any effects of *trans* fat intake on other health outcomes including stroke, all-cause mortality, cancer, and metabolic syndrome. We do not agree with the petitioner's conclusion, in particular regarding stroke. In support of the declaratory order, we reviewed several well-conducted studies that provided a reasonable basis to conclude that TFA intake is associated with an increased risk of ischemic stroke (a blockage of blood flow to the brain) (Ref. 2). Furthermore, in our review memorandum for this petition, we described more recent studies that provide additional evidence supporting the association of TFA with stroke, as well as total mortality and elements of metabolic syndrome (Ref. 7).

D. Recent Threshold Dose-Response Research

The petition acknowledged that all five of the aforementioned meta-analyses (see section C) relied on a linear, no-threshold dose-response relationship between TFA intake and blood levels of LDL–C and HDL–C, which assumes any amount of TFA greater than 0%en causes adverse effects on blood cholesterol levels. The petition stated, ''Recent research suggests that a non-threshold linear dose-response model overlooks the complexities of the physiological effects of macronutrients and other contributing factors to LDL–C levels besides TFAs.'' In particular, the petition cited two recent articles to support the claims that a linear dose-response model is inappropriate for assessing the effects of TFA consumption on blood lipids, and that a threshold level of *trans* fat intake exists (Refs. 17 and 18). In the first publication, Reichard and Haber (Ref. 17) presented and evaluated a hypothesis for the biological mode of action (MOA) for the effect of TFA on LDL–C based on animal studies. According to the petition, ''. . . the authors concluded the key events in the MOA are the increased production of very low density-lipoprotein (VLDL) and decreased LDL-clearance due to a reduction in the LDL–C mediated receptor activity.'' The authors further concluded the effect of TFA on LDL–C is non-linear and there is evidence that either a threshold exists or the dose-response slope is very shallow at low dose levels (Ref. 17).

In the second article, Allen et al. (Ref. 18) conducted a meta-regression study of human controlled feeding trials, that considered both linear and nonlinear dose-response models to assess the effect of IP–TFA intake on LDL–C and determine which shape fit best with the MOA proposed by Reichard and Haber based on animal studies. (In this case, the meta-regression is a meta-analysis that focuses on dose-response relationships.) The Allen et al. meta-regression used an evidence map to identify additional experimental data for the effect of IP–TFA intake on LDL–C, particularly in the low dose region of the response curve where IP–TFA intake is between zero and 3%en (Ref. 19). According to Allen et al., an S-shaped model with an assumed threshold at low IP–TFA doses explained more of the study-to-study variability compared to the linear dose-response model (Ref. 18). Using assumptions about intra-individual measurement variation for LDL–C and the S-shaped model, the authors concluded that the change in LDL–C associated with a change in IP–TFA intake of 2.2%en represented a biologically meaningless change (Ref. 18). The petition stated that this analysis supports the existence of a threshold level of IP–TFA intake, below which negligible changes in LDL–C would occur.

FDA Assessment

We do not agree that these two studies cited by the petitioner provide convincing evidence to refute a linear dose-response or provide convincing evidence of a threshold in the effect of IP–TFA on LDL–C. In our review, we identified several design flaws and questionable data interpretations associated with these two studies (Ref. 7). One major concern about the MOA paper (Ref. 17) is that the authors relied largely on data from laboratory animal models to hypothesize an MOA that suggests the existence of a threshold effect of TFA on LDL–C in humans, despite the differences in biological response to dietary fats and fatty acid metabolism between humans and the animal species used in the study (*e.g.,* rodents). The authors acknowledged that *trans* fatty acids such as elaidic acid do not increase serum LDL–C in hamsters, and suggest that animal models may underestimate the effect of TFA in humans (Ref. 17).[5]

Regarding the meta-regression paper (Ref. 18), we found that duplicate data points were erroneously used in the analysis; the validity of data points for low TFA levels below 3%en was questionable, and the low TFA data did not come from PHO test diets; and incorrect variances were applied in the weighting of the data based on the study designs (Ref. 7). We also question the authors' suggestion that the within person, day-to-day variability of blood LDL–C levels can be used to represent the minimum increment in LDL–C that is adverse (Ref. 7). Additionally, we note that the authors' proposed S-shaped dose-response model that levels off at high *trans* fat doses (above 3%en) is not consistent with the results of numerous controlled feeding trials of IP–TFA at higher doses or with prospective observational studies which show increases in serum LDL–C levels or CHD risk with higher intakes of *trans* fat (Ref. 7).

E. Risk Estimates and Safety Arguments

The petition contained an estimate of ''hypothetical change'' in CHD risk associated with 0.05%en IP–TFA intake (the daily amount of energy from IP–TFA contributed by the petitioned uses of PHOs) that was based on FDA's four deterministic quantitative risk assessment methods referenced in the declaratory order (Ref. 4). The petitioner stated that they included this analytical approach in the petition ''for expediency and at the request of FDA'', although the petition questioned the validity of a linear-no threshold dose-response model for IP–TFA intake and LDL–C and HDL–C on which the FDA method is based. The deterministic quantitative risk assessment approach used by the petitioner estimated the change in CHD risk due to effects on blood lipoproteins from controlled feeding trials, and also estimated the change in CHD risk using direct observations of CHD from prospective studies when there is an isocaloric replacement of *cis*-MUFA with IP–TFA in the diet. The petitioner estimated that the change in CHD risk associated with a 0.05%en added IP–TFA intake from petitioned uses ranged from 0.062 percent to 0.665 percent depending on the risk method used. When expressed as a population-based risk estimate, the annual probability of CHD cases per 100,000 U.S. adults aged 35 and older ranged from 0.42 to 4.54. In other words, for every 100,000 U.S. adults, there could be up to 4.54 additional cases (fatal and non-fatal) of CHD attributed to an intake of 0.05%en IP–TFA from the petitioned uses of PHOs.

The petition asserts a standard of ''*de minimis* risk.'' According to the petitioner, a de minimis risk implies that a risk is so small that it should be ignored, and the petitioned use should be considered safe. The petitioner referenced three arguments to explain its de minimis risk principle: (1) The probability of a risk is below an acceptable cutoff (*i.e.,* ''bright line'' or threshold); (2) there is a lack of scientific data to establish that the risk exists (*i.e.,* the risk is non-detectable); or (3) the probability of the risk is less than the natural occurrence of the risk (Ref. 20). While neither the FD&C Act nor FDA's regulations regarding the evaluation of the safety of food additives in response to a food additive petition refer to de minimis risk, we review each of these arguments in turn.

[5] The scientific evidence that PHOs are no longer GRAS for use in food was not based on animal studies, such as those used in the Reichard and Haber MOA, but rather included results from controlled feeding studies on *trans* fatty acid consumption in humans, findings from long-term prospective epidemiological studies in human populations, and the opinions of expert panels that there is no threshold intake level for IP–TFA that would not increase an individual's risk of CHD (78 FR 67169 at 67172).

1. De minimis ''Bright Line'' or Threshold Argument

The petition referenced an article by Castorina and Woodruff (Ref. 21) in which the authors estimated risks for non-cancer health outcomes from hypothetical lifetime ingestion or inhalation exposures to select environmental chemicals at the U.S. Environmental Protection Agency's (EPA) established reference doses (RfDs) or reference concentrations. The authors concluded that the non-cancer risk associated with RfDs ranged from 1 in 10,000 (1×10^{-4}) to 5 in 1,000 (5×10^{-3}) using a linear dose-response relationship for the environmental chemicals the authors selected. The petitioner applied a safety factor to the authors' risk estimates associated with RfDs to arrive at a proposed probability of risk, ranging from 2 in 100,000 (2×10^{-5}) to 1 in 1,000 (1×10^{-3}), which the petitioner deemed to be a de minimis risk. The petitioner compared this risk range to the results of their quantitative risk estimate, which predicted the annual probability of CHD cases attributed to 0.05%en IP–TFA intake from the petitioned PHO uses to be in the range of 0.42 per 100,000 adults (or 4.2×10^{-6}) to 4.5 per 100,000 adults (or 4.5×10^{-5}). The petition concluded that the estimated risk from 0.05%en IP–TFA intake from petitioned PHO uses is de minimis because it is well below the probable de minimis risk ranges for non-cancer risk calculated by applying a safety factor to the risks presented in the Castorina and Woodruff article.

FDA Assessment

We will first address the petitioner's reliance on the Castorina and Woodruff paper to determine the concept of de minimis risk, followed by our comments on the petitioner's deterministic risk assessment. We will also include a discussion of the probabilistic risk assessment that we conducted as part of our review.

a. Castorina and Woodruff Study

We disagree with the petitioner's interpretation of the Castorina and Woodruff article on which the petitioner's safety conclusion is based. The application of the Castorina and Woodruff study results has limitations as a basis for inferring that IP–TFA from petitioned PHO uses is safe because it represents de minimis risk. The study is a single, exploratory analysis of whether EPA reference values represent negligible risk levels; it is not a consensus that defines a concept of de minimis risk or safe exposure. In fact, the study authors themselves question whether the non-cancer risks associated with the EPA's reference values represent ''acceptable levels'' of exposure from a public health perspective (Ref. 21). Furthermore, we note that in the Castorina and Woodruff paper, the estimated risks were based on biochemical and physiological changes associated with several non-cancer health outcomes that are much less serious than CHD cases or CHD deaths. For example, some of the biochemical and physiological changes the authors considered included small intestinal lesions, fatty cyst formation in the liver, elevated serum glutamate-pyruvate transaminases, chronic irritation of stomach, decreased lymphocyte count, changes in red blood cell volumes, decreased mean terminal body weights, and decreased maternal body weight gain. Therefore, we conclude that the petitioner's use of this single article to support their de minimis risk argument regarding the risk of CHD or CHD death associated with IP–TFA exposure is inadequate.

b. Petitioner's Quantitative Deterministic Risk Assessment

The petitioner relied on the de minimis risk principle to conclude that the petitioned uses of PHOs are safe because the estimated probability of CHD risk associated with IP–TFA from the petitioned uses of PHOs falls below the probable de minimis non-cancer risk range. The petition included a quantitative deterministic risk assessment that estimated the annual probability of CHD cases that may be associated with IP–TFA from petitioned uses of PHOs ranged from 0.42 to 4.54 per 100,000 U.S. adults. We note, though, that the petition did not include an estimated annual number of CHD cases or estimated annual number of CHD deaths associated with IP–TFA from the proposed uses of PHOs. Using the petitioner's estimated annual rate of CHD cases per 100,000 adults, the U.S. Census estimate of 166.7 million adults in the U.S. population in 2014, and a 32 percent CHD fatality rate reported by the Centers for Disease Control and Prevention (CDC), we expanded the petitioner's risk estimates associated with IP–TFA from petitioned uses of PHOs to estimate a range of 700 to 7,570 cases of CHD per year including between 224 and 2,422 deaths from CHD per year, which FDA does not consider to be insignificant (Ref. 7). Additionally, we conducted our own deterministic risk assessment to verify that the petitioner's methods were appropriate, and we expanded our analysis to include a probabilistic risk assessment to further bolster our decision that the estimated risks associated with the petitioned uses of PHOs cause them to be unsafe food additives (Ref. 6).

c. FDA's Quantitative Probabilistic Risk Assessment

The deterministic risk assessment approach that was used by both the FDA in our declaratory order and by the petitioner in FAP 5A4811 to assess CHD risk associated with IP–TFA exposure is a risk assessment approach using assigned values for discrete scenarios (*e.g.,* using most likely scenarios or mean values) (Ref. 6). The deterministic approach determines the robustness of the risk of CHD. However, it has limitations in that it is inadequate in applying population or other parameter variability information and it takes into consideration only a few discrete results (*e.g.,* mean risk estimates), overlooking many others (*e.g.,* probability distributions of risk estimates). The impact of different risk parameter values and uncertainty in risk methods relative to results also cannot be quantified (Ref. 6).

The probabilistic approach allows for the analysis of human variability and uncertainty in the risk method to be incorporated into both the exposure and risk assessments, if high quality empirical data with the probability distribution information for key parameters are used in the risk assessment (Ref. 6). We considered that at the petitioned IP–TFA exposure of 0.05%en, there would be greater uncertainty in the CHD risk estimates than the IP–TFA exposure of 0.5%en which was used in the declaratory order, and that the mean risk estimates alone would not be sufficient to demonstrate safety. Therefore, we conducted a probabilistic risk assessment for the CHD risk associated with an IP–TFA exposure of 0.05%en taking into consideration the variability and uncertainty associated with IP–TFA exposure and the risk parameters, and estimated both the probabilistic means and the uncertainty around the means.

We used FDA's four risk methods based on a linear no-threshold dose-response model (Ref. 6) to estimate changes in CHD risk when replacing *cis*-MUFA or saturated fatty acids at 0.05%en, with the same percentage of energy from IP–TFA. The probabilistic means were in line with the results estimated using the deterministic approach. The probabilistic approach also quantified the probability distribution of the risk estimates (*e.g.,* the lower and upper 95 percent statistical uncertainty intervals (95

percent UIs)). The results included estimated changes in percent CHD risk, increases in the rate of annual CHD cases (both fatal and non-fatal) per 100,000 U.S. adults, and increases in the number of annual CHD cases, including CHD deaths, among U.S. adults. We also extended Method 4 (prospective observational studies) to estimate the annual number of CVD deaths among this same population. (CVD deaths include deaths from CHD, strokes, and other vascular diseases.) Our assessment methodology is documented in our review memorandum (Ref. 6).

Results from our probabilistic risk assessment demonstrate that consuming IP–TFA at a level of 0.05%en per person per day, instead of *cis*-MUFA, can cause a mean increase in annual CHD cases per 100,000 U.S. adults from 0.478 (95 percent UI 0.299 to 0.676) using the FDA risk method based on changes of LDL–C alone (Method 1) to 4.038 (95 percent UI 2.120 to 6.280) using the FDA risk method based on prospective observational studies (Method 4). These increases correspond to a mean increase in annual CHD cases from 814 (95 percent UI 510 to 1,151, using Method 1) to 6,877 (95 percent UI 3,611 to 10,694, using Method 4), which includes annual deaths from CHD from 290 (95 percent UI 182 to 410, using Method 1) to 2,450 (95 percent UI 1,287 to 3,811, using Method 4). The other two FDA risk methods produced increases in risk values from CHD that were between those estimated by Method 1 and Method 4.

The same amount of IP–TFA replacing saturated fatty acids would result in lower estimates of annual CHD cases and CHD-related deaths than those estimated by replacing *cis*-MUFA with IP–TFA. We estimated the mean increase in annual CHD cases to be 170 (using Method 1) to 5,110 (using Method 4), which includes 60 to 1,821 annual deaths from CHD. Using extended Method 4, the same amount of IP–TFA replacing either saturated fatty acids or carbohydrate could cause more than 6,500 CVD deaths per year in U.S. adults. The results of our analyses are described further in our review memorandum (Ref. 6).

Our deterministic and probabilistic quantitative risk assessments demonstrate that there is a probable significant health risk associated with 0.05%en from IP–TFA from the petitioned uses of PHOs. Our analyses do not support the petitioner's claims that 0.05%en from IP–TFA results in de minimis risk or that there is a reasonable certainty that PHOs are not harmful under the intended conditions of use.

2. Non-Detectability Argument

The petitioner argued that the estimated exposure to IP–TFA from petitioned uses of PHOs (*i.e.,* 0.05%en) is well below the exposure levels in controlled feeding studies and effects at these low IP–TFA levels cannot be empirically established based on the currently available evidence. The petition questioned the appropriateness of using a linear dose-response model for quantifying the effect of lower levels of *trans* fat intake (*i.e.,* <3%en) on LDL–C and HDL–C, and maintained that there is a general lack of empirical evidence that consumption of low levels of *trans* fat increases CHD risk due to an adverse effect on blood lipoproteins. The petition highlighted one study (Ref. 18) suggesting that a linear dose-response model was not appropriate for quantifying effects of lower levels of IP–TFA intake on LDL–C. In addition, the petition noted that the *trans* fat content of control diets used in published feeding studies ranged from non-detectable to 2.4%en and suggested, by example, that the non-detectable level of TFA in a test diet could be at 0.15%en, which is three times higher than IP–TFA from petitioned uses of PHOs. Moreover, the petition noted that overall the IP–TFA intake from petitioned uses of PHOs (0.05%en) is well below the intake level of diets tested in the controlled feeding trials that were relied upon in the meta-analyses to assess the effect of IP–TFA on CHD risk. Because the impact of low level IP–TFA intakes cannot be detected by scientific studies, the petition concluded that the IP–TFA intake from petitioned uses of PHOs could be considered de minimis.

FDA Assessment

We will address the petitioner's non-detectability argument with a three-prong response. First, we will discuss the issue of statistical power and how it relates to detectable changes in clinical feeding trials. Next, we will review empirical evidence of adverse effects of lower IP–TFA intakes from several recent population studies. Lastly, we will comment on the body of evidence that supports a no-threshold, linear dose-response model to characterize the adverse health effects of *trans* fat intake.

a. Statistical Power of Controlled Feeding Trials

Statistical power is the probability that a study will correctly detect an effect when an effect exists (Ref. 22). Larger sample sizes generally result in higher statistical power, increasing the likelihood that a study will be able to identify differences in the study subjects. We acknowledge that there are limits to the statistical power of controlled feeding trials to measure changes in LDL–C from low levels of TFA exposure. However, the lack of data from controlled feeding trials on the effect of TFA intake on blood lipids at lower TFA intake is not due to a potential threshold below which TFA intake has no effect on LDL–C and other blood lipids. Rather, the lack of data at lower TFA intake is due to the limited statistical power to detect significant changes in LDL–C at TFA intake below about 3 percent of energy in controlled feeding trials with feasible sample size of about 100 participants. For example, we estimated that it would require more than 300,000 participants in hypothetical PHO feeding trials to detect statistically significant changes LDL–C at the IP–TFA dietary exposure of 0.05%en (Refs. 6 and 7).

b. Empirical Evidence From New Population Studies

Recent population studies have shown empirical evidence of adverse effects of lower IP–TFA intake levels on CHD risk. Two recent prospective observational studies with long term follow-up found significant increases in CHD risk or CVD mortality at *trans* fat intake increments as low as 0.3%en to 0.6%en (Refs. 15 and 16). This is about 1/10 of the approximately 3 percent of energy from TFA intake that can be studied in controlled feeding trials of lipid biomarkers, and is roughly tenfold higher than the 0.05%en IP–TFA exposure from petitioned PHO uses.

Two recent studies independently examined the public health effects of restricting *trans* fat in eateries in several New York state counties between 2007 and 2011 (Refs. 23 and 24). In one study, the authors compared records of hospital admissions for heart attack and stroke in counties that had TFA restrictions and in control counties that had no restrictions (Ref. 23). They found that there was an additional 6.2 percent decline in hospital admissions for heart attacks and strokes in the populations of counties with TFA restrictions. This reduction corresponds to 43 CVD events prevented annually per 100,000 persons. In another study, the authors analyzed the association of *trans* fat restrictions in certain New York state counties and annual CVD mortality rates (Ref. 24). They found a 4.5 percent decrease in CVD mortality in counties with *trans* fat restrictions compared with control counties. This reduction corresponds to 13 fewer CVD deaths annually per 100,000 persons. Both studies, using separate data sources, showed consistent results of a ''real-

world'' public health impact associated with the removal of *trans* fat in restaurant food.

Four studies published in 2017 examined data on plasma *trans* fatty acid concentrations in U.S. adults from the NHANES of 1999–2000 and 2009–2010 (Refs. 25–28). These studies showed the association between plasma TFA and serum lipid and lipoprotein (*i.e.,* LDL–C and HDL–C) concentration before and after reductions in TFA consumption occurred in the U.S. population. On average, plasma TFA concentrations in U.S. adults were about 54 percent lower in 2009–2010 compared to 1999–2000 (Refs. 26 and 27). Significant improvements in blood lipids (*e.g.,* lower LDL–C and triglycerides, higher HDL–C) occurred over time as plasma TFA concentrations decreased (Refs. 25 and 26). Despite substantial reductions in TFA intake over time, plasma TFA concentrations were significantly and consistently associated with serum lipid and lipoprotein concentrations at both time periods (Ref. 27). Results were similar for metabolic syndrome and most of its components such as large waistline, high fasting glucose, and high triglycerides (Ref. 28). The authors concluded that these studies do not support the existence of a threshold under which the association between plasma TFA concentration and lipid profiles might become undetectable (Refs. 27 and 28).

c. Consistent Support of a Progressive and Linear Dose-Response

In response to the petitioner's argument of a non-linear dose-response, we note that the vast majority of scientific studies have been consistent in their conclusions that *trans* fat consumption has a progressive and linear adverse effect on blood lipids and CHD risk (Ref. 7). FDA's 2015 review of the scientific evidence for human health effects of TFA concluded: (1) There is no evidence of a threshold below which TFA does not affect blood lipids and (2) both controlled feeding trials and prospective observational studies strongly support the conclusion that *trans* fat intake has a progressive and linear effect that increases CHD risk, with no evidence of a threshold (Ref. 2). Numerous expert panels discussed in our 2015 review and in the current review also support this conclusion. Additional evidence from newer studies also supports the conclusion that TFA has a progressive and linear adverse effect on blood lipids and CHD risk (Refs. 12 and 29). This is discussed in detail in our review memorandum (Ref. 7).

3. Natural Occurrence Argument

The petitioner based its third argument on a ''natural occurrence'' theory which purports that a risk due to human activity may be de minimis and would not cause the activity to be considered unsafe provided that the risk does not exceed the natural occurrence of the same risk (Ref. 20). Specifically, the petitioner argued that the petitioned uses of PHOs are safe because the incremental increase in IP–TFA intake from petitioned PHO uses (*i.e.,* 0.05%en) is infinitesimally small and negligible in comparison to existing background dietary TFA exposure from intrinsic sources. As described in section IV.B, the petitioner estimated the mean exposure to TFA from intrinsic sources (*e.g.,* naturally-occurring TFA from meat and dairy foods) to be 0.46%en. The petition stated that the estimated intake of IP–TFA of 0.05%en from petitioned uses of PHOs equates to the 1.2th percentile of the TFA intake distribution from intrinsic sources. The petition explained further that this amount of IP–TFA intake is within the variability of the TFA intake from intrinsic sources and below the 5th percentile. Thus, the petition concluded that the petitioned uses are safe because the incremental increase in IP–TFA exposure from the petitioned uses of PHOs is infinitesimally small and negligible in comparison to existing background dietary TFA exposure from intrinsic sources.

FDA Assessment

For our safety assessment, we considered as a worst-case scenario the assumption that TFA from intrinsic sources is chemically and pharmacologically related to IP–TFA from PHOs. In general, TFA from intrinsic sources and IP–TFA contain the same *trans* fatty acid isomers, although in different proportions (Ref. 12). The most recent evidence from controlled feeding trials shows comparable effects on blood lipoproteins such as LDL–C and HDL–C by naturally-occurring TFA and IP–TFA (Ref. 7). Results of prospective observational studies specifically of TFA from intrinsic sources (rather than total TFA) are relatively sparse, and generally do not show an association of naturally-occurring TFA with CHD risk, possibly due to limitations of the studies (Ref. 7). Regarding the effect of TFA from intrinsic sources on adverse health outcomes other than CHD (*e.g.,* metabolic syndrome and diabetes), study results are divergent (Refs. 6 and 7). Although there are inconsistencies in the data overall, we considered for the purposes of our safety assessment that TFA from intrinsic sources is, in general, chemically and pharmacologically related to IP–TFA from PHOs.

We disagree with the petitioner's assertion that the IP–TFA exposure from the petitioned uses of PHOs is safe because it is insignificant in comparison to existing background dietary TFA exposure. We note that the per capita IP–TFA intake of 0.05%en from petitioned uses of PHOs is approximately 10 percent of mean TFA intake from intrinsic sources; we do not consider this to be an infinitesimally small or negligible amount. The contribution of IP–TFA intake from petitioned uses of PHOs is not trivial, but rather will increase the mean population TFA exposure by 10 percent. Food sources of naturally-occurring TFA are widely consumed in the population, and therefore few members of the population consume 0.05%en TFA or less. As the petition indicated, 0.05%en from IP–TFA from petitioned uses of PHOs corresponds to about the 1.2th percentile of population TFA intake from intrinsic sources. We assert that this comparison is not particularly relevant to whether the per capita IP–TFA intake is significant because the contribution of IP–TFA exposure from the petitioned uses is in addition to, not substitutional for, exposure to TFA from intrinsic sources. Rather, the relevant comparison is that the per capita IP–TFA intake, 0.05%en, is approximately 10 percent of mean TFA intake from naturally-occurring sources. For these reasons, we disagree with the petitioner's argument that the petitioned uses of PHOs are safe because they are negligible in comparison to existing background dietary TFA exposure from intrinsic sources.

As stated earlier, there is no explicit reference to de minimis risks under either the FD&C Act or FDA's regulations regarding the evaluation of the safety of food additives in response to a food additive petition. Based on the data submitted by the petitioner, FDA has determined that the petitioned uses present more than a de minimis or negligible risk. Therefore, FDA has not found it necessary as part of its petition response to determine how the concept of de minimis risk may apply to the safety analysis under section 409 of the FD&C Act.

V. Comments on the Filing Notification

We received 10 comments in response to the petition's filing notification. Seven comments expressed opposition to the petition, one comment was about

labeling of PHOs, one comment did not pertain to the petition, and one comment was a duplicate submission. All of the comments opposing the petition cited the adverse health effects associated with the consumption of TFA. None of the comments provided information to support the petitioner's conclusion that the proposed uses of PHOs are safe.

VI. Conclusion

FAP 5A4811 requested that the food additive regulations be amended to provide for the safe use of PHOs as a solvent or carrier for flavoring agents, flavor enhancers, and coloring agents; as a processing aid; and as a pan release agent for baked goods at specific use levels. After reviewing the petition, as well as additional data and information relevant to the petitioner's request, we determined that the petition does not contain convincing evidence to support the conclusion that the proposed uses of PHOs are safe. Therefore, FDA is denying FAP 5A4811 in accordance with 21 CFR 171.100(a).

VII. Compliance Date

As discussed in section II, the declaratory order concluded that PHOs are no longer GRAS for any use in human food and established a compliance date of June 18, 2018 (80 FR 34650). In light of our denial of FAP 5A4811, we acknowledge that the food industry needs additional time to identify suitable replacement substances for the petitioned uses of PHOs and that the food industry has indicated that 12 months could be a reasonable timeframe for reformulation activities (Ref. 30). Therefore, elsewhere in this issue of the **Federal Register**, we have extended the compliance date to June 18, 2019, for the manufacturing of food with the petitioned uses of PHOs. Food manufactured with the petitioned uses after June 18, 2019 may be subject to enforcement action by FDA.

In addition, for food manufactured with the petitioned uses before June 18, 2019, elsewhere in this issue of the **Federal Register**, we are extending the compliance date to January 1, 2021. This time frame will allow manufacturers, distributors, and retailers to exhaust product inventory of foods made with the petitioned uses before the manufacturing compliance date. All foods containing unauthorized uses of PHOs after January 1, 2021 may be subject to FDA enforcement action.

VIII. Objections

Any persons that may be adversely affected by this document may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

It is only necessary to send one set of documents. Identify documents with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.* We will publish notice of the objections that we have received or lack thereof in the **Federal Register**.

IX. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *http://www.regulations.gov.* FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

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4. FDA Memorandum from J. Park to M. Honigfort, Quantitative Estimate of Industrial *Trans* Fat Intake and Coronary Heart Disease Risk, June 11, 2015.
5. FDA Memorandum from D. Doell to E. Anderson, April 13, 2018.
6. FDA Memorandum from J. Park to E. Anderson, Quantitative Coronary Heart and Cardiovascular Disease Risk Assessments of Exposure from Industrially-Produced *Trans* Fatty Acid (IP–TFA) from Proposed Uses of Partially Hydrogenated Vegetable Oils (PHO) in Select Foods, April 16, 2018.
7. FDA Memorandum from J. Park to E. Anderson, Scientific Literature Review Update on *Trans* Fats with Detailed Responses to the Petitioner's Safety Conclusions on the Petitioned Uses of Partially Hydrogenated Oils (PHOs), April 16, 2018.
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Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10715 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0296]

RIN 1625–AA08

Special Local Regulation; North Atlantic Ocean, Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish special local regulations for certain waters of the North Atlantic Ocean. This action is necessary to provide for the safety of life on these navigable waters located at Ocean City, Worcester County, MD, during a high-speed power boat racing event on June 23, 2018, and June 24, 2018. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 20, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0296 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 Mr. Ronald Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On January 30, 2018, the Offshore Powerboat Association of Brick Township, NJ, notified the Coast Guard through submission of a marine event application that this year's Ocean City Grand Prix would be held on a different date this year from that published in the Code of Federal Regulations (CFR) at Table to 33 CFR 100.501 at (b.)19. The estimated date for this annual event listed in the regulation is either the first or second Saturday or Sunday of May, or the second or third Saturday and Sunday of September. This year, the Ocean City Grand Prix is being held on June 23, 2018, and June 24, 2018. The high-speed power boat racing consist of approximately 40 participating offshore race boats of various classes, 21 to 50 feet in length, operating along a designated, marked racetrack-type course located in the North Atlantic Ocean, at Ocean City, MD. Details of the proposed event were provided to the Coast Guard on March 12, 2018. Hazards from the power boat racing event include participants operating near a designated navigation channel, as well as injury to persons and damage to property that involve vessel mishaps during high-speed power boat races conducted on navigable waters located near the shoreline. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the power boat races would be a safety concern for anyone intending to operate within certain waters of the North Atlantic Ocean at Ocean City, MD.

The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on certain waters of North Atlantic Ocean before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233, which authorize the Coast Guard to establish and define special local regulations.

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region is proposing to establish special local regulations that will be enforced from 9:30 a.m. to 5:30 p.m. on June 23, 2018 and from 9:30 a.m. to 5:30 p.m. on June 24, 2018. The regulated area is a polygon in shape measuring approximately 4,500 yards in length by 1,600 yards in width. The area would cover all navigable waters of the North Atlantic Ocean, within an area bounded by the following coordinates: Commencing at a point near the shoreline at latitude 38°21′42″ N, longitude 075°04′11″ W, thence east to latitude 38°21′33″ N, longitude 075°03′10″ W, thence southwest to latitude 38°19′25″ N, longitude 075°04′02″ W, thence west to the shoreline at latitude 38°19′35″ N, longitude 075°05′02″ W, at Ocean City, MD.

This proposed rule provides additional information about areas within the regulated area and their definitions. These areas include ''Race Area'', ''Buffer Zone'', and ''Spectator Area''.

The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 a.m. until 5 p.m. high-speed power boat racing event. Under the proposed rule, the COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area would be required to immediately comply with the directions given. Failure to do so could result in expulsion from the area, citation for failure to comply, or both.

Except for Ocean City Grand Prix participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or the Coast Guard patrol commander. Vessel operators would be allowed to request permission to enter and transit through a regulated area by contacting the Coast Guard patrol commander on VHF–FM channel 16. All persons and vessels not registered with the event sponsor as participants or assigned as official patrols are considered spectators. Official Patrols are any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted, spectators would be allowed to enter the spectator area or pass directly through the regulated area as instructed by Coast Guard Patrol Commander and at safe speed and without loitering. All spectator vessels would be required to be anchored or operate at a No Wake Speed within the designated spectator area. Official patrol vessels will direct spectator vessels to the spectator area. Only participant vessels and official patrol vessels would be allowed to enter the race area.

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, duration and location of the regulated area. Vessel traffic would be able to safely transit around this regulated area, which would impact a small designated area of the North Atlantic Ocean for 16 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the COTP Coast Guard Patrol Commander deems it safe to do so.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 16 hours. 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 preliminary Memorandum for Record for Categorically Excluded Actions supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.501T05–0296 to read as follows:

§ 100.501T05–0296 Special Local Regulation; North Atlantic Ocean, Ocean City, MD.

(a) *Definitions.* As used in this section:

Buffer Zone is a neutral area that surrounds the perimeter of the Race Area within the regulated area described by this section. The purpose of a buffer zone is to minimize potential collision conflicts with marine event participants or race boats and spectator vessels or nearby transiting vessels. This area provides separation between a Race Area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participants means all persons and vessels registered with the event sponsor as participating in the Ocean City Grand Prix event or otherwise designated by event sponsor as having a function tied to the event.

Race Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section.

Spectators means all persons and vessels not registered with the event sponsor as participants or assigned as official patrols.

Spectator Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined by this section.

(b) *Locations.* All coordinates reference Datum NAD 1983. (1) *Regulated area.* All navigable waters of the North Atlantic Ocean, within an area bounded by the following coordinates: Commencing at a point near the shoreline at position latitude 38°21′42″ N, longitude 075°04′11″ W; thence east to latitude 38°21′33″ N, longitude 075°03′10″ W; thence southwest to latitude 38°19′25″ N, longitude 075°04′02″ W; thence west to the shoreline at latitude 38°19′35″ N, longitude 075°05′02″ W, at Ocean City, MD. The following locations are within the regulated area:

(2) *Race Area.* The race area is a polygon in shape measuring approximately 3,500 yards in length by 350 yards in width. The area is bounded by a line commencing at position latitude 38°19′46.85″ N, longitude 075°04′43.28″ W, thence east to latitude 38°19′44.23″ N, longitude 075°04′29.89″ W, thence north and parallel to Ocean City, MD shoreline to latitude 38°21′23.24″ N, longitude 075°03′48.87″ W, thence west to latitude 38°21′25.12″ N, longitude 075°04′02.45″ W; thence south to the point of origin.

(3) *Buffer Zone.* The buffer zone is a polygon in shape measuring approximately 500 yards in all directions surrounding the entire race area described in the preceding paragraph of this section. The area is bounded by a line commencing at a point near the shoreline at position latitude 38°21′42″ N, longitude 075°04′11″ W; thence east to latitude 38°21′35″ N, longitude 075°03′24″ W;

thence southwest to latitude 38°19′28″ N, longitude 075°04′17″ W; thence west to the shoreline at latitude 38°19′35″ N, longitude 075°05′02″ W, at Ocean City, MD.

(4) *Spectator Area.* The designated spectator area is a polygon in shape measuring approximately 3,500 yards in length by 350 yards in width. The area is bounded by a line commencing at position latitude 38°19′40″ N, longitude 075°04′12″ W, thence east to latitude 38°19′37″ N, longitude 075°03′59″ W, thence northeast to latitude 38°21′17″ N, longitude 075°03′17″ W, thence west to latitude 38°21′20″ N, longitude 075°03′31″ W, thence southwest to point of origin.

(c) *Special local regulations:* (1) The COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any vessel designated by event sponsor as having a function tied to the event, at any time the Coast Guard Patrol Commander deems it necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the start of enforcement are to depart the regulated area.

(3) Spectators shall contact the Coast Guard Patrol Commander to request permission to either enter the spectator area or pass through the regulated area. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). If permission is granted, spectators may enter the spectator area or must pass directly through the regulated area as instructed by Coast Guard Patrol Commander and at safe speed and without loitering. All spectator vessels shall be anchored or operate at a No Wake Speed within the designated spectator area. Official patrol vessels will direct spectator vessels to the spectator area.

(4) Only participant vessels and official patrol vessels are allowed to enter the race area.

(5) Persons and vessels desiring to transit, moor, or anchor within the regulated area must first obtain authorization from the COTP Maryland-National Capital Region or Coast Guard Patrol Commander. The Coast Guard Patrol Commander can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) to seek permission to transit, moor, or anchor within the regulated area while this section is being enforced.

(6) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement periods.* This section will be enforced from 9:30 a.m. to 5:30 p.m. on June 23, 2018 and from 9:30 a.m. to 5:30 p.m. on June 24, 2018.

Dated: May 15, 2018.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–10730 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0178]

RIN 1625–AA08

Special Local Regulation; Choptank River, Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for certain waters of the Choptank River. This action is necessary to provide for the safety of life on the navigable waters located in Cambridge, MD, during a power boat racing event on July 28, 2018, and July 29, 2018. This proposed rule would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 20, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0178 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 Mr. Ronald Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On February 18, 2018, Kent Narrows Racing Association of Chester, MD, notified the Coast Guard that it will be conducting power boat races from 9 a.m. until 6 p.m. on July 28, 2018, and July 29, 2018. The high-speed power boat racing event consists of approximately 60 participants competing on a designated one-mile oval course in the Choptank River in a cove located between Hambrooks Bar and the shoreline at Cambridge, MD. Hazards from the power boat races include risks of injury or death resulting from near or actual contact among participant vessels and spectator vessels or waterway users if normal vessel traffic were to interfere with the event. Details of the proposed event were provided to the Coast Guard at a meeting on April 10, 2018. There it was learned that during past power boat racing events in the area, large wakes created from transient vessels operating on the Choptank River west of the Senator Frederick C. Malkus, Jr. (US–50) Memorial Bridge have caused great concern for event planners. Such wakes are hazardous to participants as their presence in the race area would result in injury or death due to vessel capsizing or collisions among participant vessels during the high-speed races. Allowing the proposed power boat racing event to proceed without including these navigable waters within the regulated area would adversely affect event participants. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the power boat races would be a safety concern for anyone intending to participate in this event or for vessels that operate within specified waters of the Choptank River at Cambridge, MD.

The purpose of this rulemaking is to protect marine event participants,

spectators and transiting vessels on specified waters of the Choptank River before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233, which authorizes the Coast Guard to establish and define special local regulations.

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region proposes to establish special local regulations to be enforced from 8:30 a.m. until 6:30 p.m. on July 28, 2018 and July 29, 2018. This special local regulation would include navigable waters of the Choptank River located between the Senator Frederick C. Malkus, Jr. (US–50) Memorial Bridge, at mile 15.5, and Hambrooks Bar Light. The area of the regulated area is approximately 3,000 yards in length and 3,000 yards in width.

The regulated area would include all navigable waters within Choptank River and Hambrooks Bay bounded by a line connecting the following coordinates: Commencing at the shoreline at Long Wharf Park, Cambridge, MD, at position latitude 38°34′30″ N, longitude 076°04′16″ W; thence east to latitude 38°34′20″ N, longitude 076°03′46″ W; thence north across the Choptank River along the Senator Frederick C. Malkus, Jr. (US–50) Memorial Bridge, at mile 15.5, to latitude 38°35′30″ N, longitude 076°02′52″ W; thence west along the shoreline to latitude 38°35′38″ N, longitude 076°03′09″ W; thence north and west along the shoreline to latitude 38°36′42″ N, longitude 076°04′15″ W; thence southwest across the Choptank River to latitude 38°35′31″ N, longitude 076°04′57″ W, terminating at the Hambrooks Bay breakwall. This rule provides additional information about designated areas within the regulated area, including a ''Race Area,'' ''Spectator Area'' and ''Buffer Zone,'' and the restrictions that apply to mariners. The duration of the regulated area is intended to ensure the safety of event participants and vessels within the specified navigable waters before, during, and after the power boat races, scheduled to occur 9 a.m. through 6 p.m. each day. Persons and vessels desiring to transit, moor, or anchor within the regulated area must obtain authorization from COTP Maryland-National Capital Region or Coast Guard Patrol Commander. When authorized to transit the regulated area, all vessels would proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location and duration of the regulated area. Vessel traffic would be able to safely transit through the regulated area, which would impact a small designated area of the Choptank River for 20 hours. The Coast Guard would issue a Broadcast Notice to Mariners via marine band radio VHF–FM channel 16 about the status of the regulated area. Moreover, the rule would, when deemed safe to do so by the Coast Guard Patrol Commander, allow vessel operators to request permission to enter, remain within, or transit through the regulated area for the purpose of either safely entering the ''Spectator Area'' or transiting the regulated area at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule 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 Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a 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 special local regulation lasting for 20 hours. This category of marine event water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. 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 preliminary Memorandum for Record is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, 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).

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 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.35–T05–0178 to read as follows:

§ 100.35–T05–0178 Special Local Regulation; Choptank River, Cambridge, MD.

(a) *Definitions.* (1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or a Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Spectator* means any person or vessel not registered with the event sponsor as a participant or an official patrol vessel.

(5) *Participant* means any person or vessel participating in the Thunder on the Choptank event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland-National Capital Region.

(b) *Regulated area.* All coordinates reference Datum NAD 1983.

(1) *Coordinates.* The following location is a regulated area: All navigable waters within the Choptank River and Hambrooks Bay bounded by a line connecting the following coordinates: Commencing at the shoreline at Long Wharf Park, Cambridge, MD, at position latitude 38°34′30″ N, longitude 076°04′16″ W; thence east to latitude 38°34′20″ N, longitude 076°03′46″ W; thence north across the Choptank River along the Senator Frederick C. Malkus, Jr. (US–50) Memorial Bridge, at mile 15.5, to latitude 38°35′30″ N, longitude 076°02′52″ W; thence west along the shoreline to latitude 38°35′38″ N, longitude 076°03′09″ W; thence north and west along the shoreline to latitude 38°36′42″ N, longitude 076°04′15″ W; thence southwest across the Choptank River to latitude 38°35′31″ N, longitude 076°04′57″ W, terminating at the Hambrooks Bay breakwall.

(2) *Race area.* Located within the waters of Hambrooks Bay and Choptank River, between Hambrooks Bar and Great Marsh Point, MD.

(3) *Buffer zone.* All waters within Hambrooks Bay and Choptank River (with the exception of the Race Area designated by the marine event sponsor) bound to the north by the breakwall and continuing along a line drawn from the east end of breakwall located at latitude 38°35′27.6″ N, longitude 076°04′50.1″ W, thence southeast to latitude 38°35′17.7″ N, longitude 076°04′29″ W, thence south to latitude 38°35′01″ N, longitude 076°04′29″ W, thence west to the shoreline at latitude 38°35′01″ N, longitude 076°04′41.3″ W.

(4) *Spectator area.* All waters of the Choptank River, eastward and outside of Hambrooks Bay breakwall, bounded by line that commences at latitude 38°35′27.6″ N, longitude 076°04′50.1″ W, thence northeast to latitude

38°35′30″ N, longitude 076°04′47″ W, thence southeast to latitude 38°35′23″ N, longitude 076°04′29″ W, thence southwest to latitude 38°35′19″ N, longitude 076°04′31″ W, thence northwest to to and terminating at the point of origin.

(c) *Special local regulations.* (1) The Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(3) The Coast Guard Patrol Commander may terminate the event, or the operation of any participant, at any time it is deemed necessary for the protection of life or property.

(4) The Race Area is an area within the regulated area defined in paragraph (b)(2) of this section. The actual placement of the race course will be determined by the marine event sponsor but must be located within the designated boundaries of the Race Area. Only participants and official patrol vessels are allowed to enter the Race Area.

(5) The Buffer Zone is an area that surrounds the perimeter of the Race Area within the regulated area defined in paragraph (b)(3) of this section. The purpose of a Buffer Zone is to minimize potential collision conflicts with participants and spectators or nearby transiting vessels. This area provides separation between the Race Area and Spectator Area or other vessels that are operating in the vicinity of the regulated area defined in paragraph (b)(1) of this section. Only participants and official patrol vessels are allowed to enter the Buffer Zone.

(6) The Spectator Area is an area described by a line bounded by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined in paragraph (b)(4) of this section. All vessels within the Spectator Area shall be anchored or operate at a no-wake speed while transiting within the Spectator Area.

(7) The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). Persons and vessels desiring to transit, moor, or anchor within the regulated area must obtain authorization from Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander. The Captain of the Port Maryland-National Capital Region can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). The Coast Guard Patrol Commander can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(8) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio.

(d) *Enforcement.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement periods.* This section will be enforced from 8:30 a.m. until 6:30 p.m. on July 28, 2018, and from 8:30 a.m. until 6:30 p.m. on July 29, 2018.

Dated: May 2, 2018.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–10795 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0273]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Palm Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the operation of the Flagler Memorial (SR A1A) Bridge, mile 1021.8, the Royal Park (SR 704) Bridge, mile 1022.6, and the Southern Boulevard (SR 700/80) Bridge, mile 1024.7, across the Atlantic Intracoastal Waterway, at West Palm Beach, Florida. This modification allows the Flagler Memorial, Royal Park and Southern Boulevard Bridges to operate on alternative schedules when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service visit Mar-a-Lago. The proposed modifications are necessary to accommodate the increase in vehicular traffic when the presidential motorcade is in transit.

DATES: Comments and relate material must reach the Coast Guard on or before July 5, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0273 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Ruth Sadowitz, Coast Guard Sector Miami, FL, Waterways Management Division, telephone 305–535–4307, email *ruth.a.sadowitz@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
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
FL DOT Florida Department of Transportation
AICW Atlantic Intracoastal Waterway

II. Background, Purpose and Legal Basis

The bridge owner, Florida Department of Transportation, requested changes to the drawbridge operating schedules to better facilitate orderly vehicle traffic flow across the Flagler Memorial, Royal Park and Southern Boulevard bridges when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service visit Mar-a-Lago.

On August 17, 2017, the Coast Guard published a notice of deviation from drawbridge regulation with request for comments in the **Federal Register** (82 FR 39019) to test proposed changes. Three Comments were received during the test period, which were in favor of the regulation changes.

The Flagler Memorial (SR A1A) Bridge, mile 1021.8, across the AICW (Lake Worth Lagoon) at West Palm Beach, Florida is a double-leaf bascule bridge that has a vertical clearance of 22 feet at mean high water in the closed position. The Royal Park (SR 704) Bridge, mile 1022.6, across the AICW (Lake Worth Lagoon) at West Palm Beach, Florida is a double-leaf bascule bridge that has a vertical clearance of 21 feet at mean high water in the closed position. The Southern Boulevard (SR 700/80) Bridge, mile 1024.7, across the AICW (Lake Worth Lagoon) at West Palm Beach, Florida is under construction, a temporary lift bridge is in place that has a vertical clearance of 14 feet at mean high water in the closed position and a 65 foot vertical clearance in the open position. The existing regulations are published in 33 CFR 117.261(u), Flagler Memorial Bridge, § 117.261(v) Royal Park Bridge and § 117.261(w) Southern Boulevard Bridge.

III. Discussion of Proposed Rule

These modified regulations are necessary to alleviate vehicle traffic congestion when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service visit Mar-a-Lago. The increase in traffic congestion occurs when the proposed Presidential Security Zone (see 82 FR 28036) is enforced which closes the Southern Boulevard Bridge when the presidential motorcade is in transit. This action requires through traffic to use the Flagler Memorial and Royal Park Bridges.

This NPRM proposes the same schedule as during the temporary deviation. The Flagler Memorial Bridge is allowed to remain closed to navigation from 2:15 p.m. to 5:30 p.m. with the exception of a once an hour opening at 2:15 p.m., 3:15 p.m., 4:15 p.m. and 5:15 p.m., weekdays only, if vessels are requesting an opening. The Royal Park Bridge is allowed to remain closed to navigation from 2:15 p.m. to 5:30 p.m. with the exception of a once an hour opening at 2:30 p.m., 3:30 p.m., 4:30 p.m. and 5:30 p.m., weekdays only, if vessels are requesting an opening. At all other times the bridges will operate per their normal schedules.

The operating schedule of the Southern Boulevard Bridge, which is closest to Mar-a-Lago, will be allowed to remain closed to navigation whenever the presidential motorcade is in transit. At all other times the bridge shall open on the quarter and three-quarter hour, or as directed by the on-scene designated representative.

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 these statutes and Executive Orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels able to pass through the Flagler Memorial and Royal Park Bridges in the closed position may do so at anytime. The bridges will be able to open for emergencies. The Southern Boulevard Bridge will be under the control of the on-scene designated representative.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review under paragraph L49 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Amend § 117.261 by revising paragraphs (u), (v), and (w) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(u) Flagler Memorial (SR A1A) Bridge, mile 1021.8, at West Palm Beach.

(1) The draw shall open on the quarter and three-quarter hour.

(2) When the security zone is enforced, the draw is allowed to remain closed to navigation from 2:15 p.m. to 5:30 p.m. with the exception of a once an hour opening at 2:15 p.m., 3:15 p.m., 4:15 p.m. and 5:15 p.m., weekdays only, if vessels are requesting an opening. At all other times the draw shall open on the quarter and three-quarter hour.

(v) Royal Park (SR 704) Bridge, mile 1022.6, at West Palm Beach.

(1) The draw shall open on the hour and half-hour.

(2) When the security zone is enforced, the draw is allowed to remain closed to navigation from 2:15 p.m. to 5:30 p.m. with the exception of a once an hour opening at 2:30 p.m., 3:30 p.m., 4:30 p.m. and 5:30 p.m., weekdays only, if vessels are requesting an opening. At all other times the draw shall open on the hour and half-hour.

(w) Southern Boulevard (SR 700/80) Bridge, mile 1024.7, at West Palm Beach.

(1) The draw shall open on the quarter and three-quarter hour.

(2) When the security zone is enforced, the draw may be closed without advanced notice to permit uninterrupted transit of dignitaries across the bridge. At all other times the bridge shall open on the quarter and three-quarter hour, or as directed by the on-scene designated representative.

* * * * *

Dated: April 30, 2018.

Peter J. Brown,

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

[FR Doc. 2018–10808 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0183]

RIN 1625–AA11

Safety Zone; Philippine Sea, Rota

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters off of the Port of Rota. The Coast Guard believes this safety zone is necessary to protect all divers participating in this underwater military exercise from potential safety hazards associated with vessel traffic in the area. This proposed rulemaking would prohibit persons and vessels not involved in the exercise from being in the safety zone unless authorized by the Captain of the Port Guam (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 20, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0183 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Todd Wheeler, Sector Guam Waterways Management Division, U.S. Coast Guard; telephone 671–355–4866, email *WWMGuam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The purpose of this rulemaking is to ensure the safety of divers in the water during an underwater military exercise in support of the biennial Exercise Valiant Shield from 6 p.m. on September 16, 2018 to 6 a.m. on September 17, 2018. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 6 p.m. on September 16, 2018 to 6 a.m. on September 17, 2018. The safety zone would cover all navigable waters two miles off of the Port of Rota. This safety zone is necessary to protect all divers participating in this underwater military exercise from potential safety hazards associated with vessel traffic in the area. This proposed rulemaking would prohibit persons and vessels not involved in the exercise from being in the safety zone unless authorized by the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone vessel traffic would be able to safely transit around. Normally such actions are categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant

environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0183 to read as follows:

§ 165.T14–0183 Safety Zone; Philippine Sea, Rota.

(a) *Location.* The following area is a safety zone: All waters off of the Port of Rota, from surface to bottom, encompassed by a line connecting the following points beginning at 14°08′07″ N, 145°08′00″ E, thence to 14°08′53″ N, 145°06′51″ E, thence to 14°09′12″ N, 145°07′13″ E, thence to 14°08′16″ N, 145°08′08″ E, and along the shore line back to the beginning point. These coordinates are based on NAD 1983.

(b) *Regulations.* (1) The general regulations governing safety zones contained in § 165.23 apply. This rule prohibits persons and vessels not involved in the exercise from being in the safety zone unless authorized by the Captain of the Port (COTP) Guam or a designated representative.

(2) To seek permission to enter, contact the COTP Guam or the COTP's representative by VHF channel 16 or by telephone at 671–355–4821. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period.* This section will be enforced from 6 p.m. on September 16, 2018 to 6 a.m. on September 17, 2018.

Dated: April 30, 2018.

Christopher M. Chase,

Captain, U.S. Coast Guard, Captain of the Port Guam.

[FR Doc. 2018–10819 Filed 5–18–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2018–0237; FRL–9978–39—Region 2]

Approval of Air Quality Implementation Plans; New Jersey; Infrastructure SIP Requirements for the 2012 $PM_{2.5}$ NAAQS; Interstate Transport Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of the State Implementation Plan (SIP) submission from New Jersey regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2012 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS or standard). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. This action pertains specifically to infrastructure requirements concerning interstate transport provisions.

DATES: Comments must be received on or before June 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2018–0237 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kenneth Fradkin, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3702, or by email at *fradkin.kenneth@epa.gov.*

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

I. What is the background of this SIP submission?
II. What guidance is EPA using to evaluate this SIP submission?

III. EPA's Review
IV. What action is EPA taking?
V. Statutory and Executive Order Reviews

I. What is the background of this SIP submission?

The EPA is proposing to approve elements of the State of New Jersey's October 17, 2014 SIP submission, which addresses the section 110(a) infrastructure requirements of the CAA for the following NAAQS: 2012 $PM_{2.5}$, 2008 ozone, 2008 lead, 2010 nitrogen dioxide (NO_2), 2010 sulfur dioxide (SO_2), 2011 carbon monoxide (CO), and the 2006 particulate matter of 10 microns or less (PM_{10}). Specifically, this rulemaking proposes to approve the portion of the submission addressing the interstate transport provisions for the 2012 $PM_{2.5}$ NAAQS under CAA section 110(a)(2)(D)(i)(I), otherwise known as the ''good neighbor'' provision.

The requirement for states to make an infrastructure SIP submission arises from section 110(a)(1) of the CAA. Pursuant to section 110(a)(1), states must submit ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' a plan that provides for the ''implementation, maintenance, and enforcement'' of such NAAQS.[1] The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address. EPA commonly refers to such state plans as ''infrastructure SIPs''.

The EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to $PM_{2.5}$ in several prior regulatory actions. In 2011, we promulgated the Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011), in order to address the obligations of states—and of the EPA when states have not met their obligations—under CAA section 110(a)(2)(D)(i)(I) to prohibit air pollution contributing significantly to nonattainment in, or interfering with maintenance by, any other state with regard to several NAAQS, including the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS.[2] In that rule, we considered states linked to downwind receptors if they were projected to contribute more than the threshold amount (1 percent of the standard) of $PM_{2.5}$ pollution for the 1997 and 2006 $PM_{2.5}$ NAAQS (76 FR 48208, 48239–43). The EPA has not established a threshold amount for the 2012 $PM_{2.5}$ NAAQS.

EPA addressed interstate transport provisions for the October 17, 2014 SIP submittal concerning the Prevention of Significant Deterioration (PSD) regulations and visibility protection (*i.e.,* section 110(a)(2)(D)(i)(II)) for 2012 $PM_{2.5}$, 2008 ozone, 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, and the 2006 PM_{10} NAAQS) on September 19, 2016.[3]

EPA addressed the CAA section 110(a)(2)(D)(i)(I) for the 2008 Ozone NAAQS in the EPA's update of the CSAPR rule in October 26, 2016 (81 FR 74504) but did not address New Jersey as it had withdrawn[4] that portion of the October 17, 2014 SIP submittal.

The EPA will address the requirements of CAA sections 110(a)(2)(D)(i)(I) for the 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, and the 2006 PM_{10} NAAQS in a separate action.

II. What guidance is EPA using to evaluate this SIP submission?

EPA highlighted the statutory requirement to submit infrastructure SIPs within 3 years of promulgation of a new NAAQS in an October 2, 2007 guidance document entitled ''Guidance on SIP Elements Required Under sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' (2007 guidance). EPA has issued additional guidance documents and memoranda, including a September 13, 2013 guidance document titled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act sections 110(a)(1) and 110(a)(2)'' (2013 guidance).

The most recent relevant document was a memorandum published on March 17, 2016, titled ''Information on the Interstate Transport 'Good Neighbor' Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act section 110(a)(2)(D)(i)(I)'' (2016 memorandum). The 2016 memorandum, which is included in the docket of this rulemaking, describes the approach EPA has previously used to address interstate transport, and provides EPA's general review of relevant modeling data and air quality projections as they relate to the 2012 $PM_{2.5}$ NAAQS. The 2016 memorandum provides information relevant to EPA Regional office review of the CAA section 110(a)(2)(D)(i)(I) ''good neighbor'' provision in infrastructure SIPs with respect to the 2012 $PM_{2.5}$ NAAQS. This rulemaking considers information provided in that memorandum.

In particular, the 2016 memorandum provides states and EPA Regional offices with projected future year annual $PM_{2.5}$ design values for monitors in the United States based on quality assured and certified ambient monitoring data and air quality modeling. The memorandum further describes how these projected potential design values can be used to help determine which monitors should be further evaluated to potentially address whether emissions from other states significantly contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS at those sites. The 2016 memorandum explains that the pertinent year for evaluating air quality for purposes of addressing interstate transport for the 2012 $PM_{2.5}$ NAAQS is 2021, the attainment deadline for 2012 $PM_{2.5}$ NAAQS nonattainment areas classified as Moderate. Accordingly, because the available data included 2017 and 2025 projected average and maximum $PM_{2.5}$ design values calculated through the CAMx[5] photochemical model, the memorandum suggests approaches states might use to interpolate $PM_{2.5}$ values at sites in 2021.[6]

As explained in the 2016 memorandum, EPA used the methodology used in the CSAPR rule to determine potential nonattainment and maintenance sites. ''Nonattainment sites'' refer to those sites that are projected to exceed the 2012 $PM_{2.5}$ NAAQS of 12 micrograms per cubic meter ($\mu g/m^3$) based on the average future year design values. Those sites that are projected to exceed the NAAQS

[1] On December 14, 2012 (78 FR 3086), the EPA promulgated a revised primary NAAQS for $PM_{2.5}$ for the annual standard. The revised standard was set at the level of 12 $\mu g/m^3$.

[2] Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48207 (August 8, 2011) (codified as amended at 40 CFR 52.38 and 52.39 and 40 CFR part 97).

[3] 81 FR 64070 (September 19, 2016).

[4] EPA issued a finding to New Jersey for failure to submit on June 15, 2016 (81 FR 38963).

[5] Comprehensive Air Quality Model with extensions(CAMx).

[6] Specifically, the 2016 Memorandum explains that one way to assess potential receptors for 2021 is to assume that receptors projected to have average and/or maximum design values above the NAAQS in both 2017 and 2025 are also likely to be either nonattainment or maintenance receptors in 2021. Similarly, it may be reasonable to assume that receptors that are projected to attain the NAAQS in both 2017 and 2025 are also likely to be attainment receptors in 2021. Where a potential receptor is projected to be nonattainment or maintenance in 2017, but projected to be attainment in 2025, further analysis of the emissions and modeling may be needed to make a further judgement regarding the receptor status in 2021.

based on the maximum future year design values are referred to as ''maintenance'' sites.

TABLE 1—PROJECTED NONATTAINMENT AND MAINTENANCE SITES FOR THE 2012 $PM_{2.5}$ NAAQS IN 2017 AND 2025

Monitor ID	State	County	2017 avg design value ($\mu g/m^3$)	2017 max design value ($\mu g/m^3$)	2025 avg design value ($\mu g/m^3$)	2025 max design value ($\mu g/m^3$)	Projected 2017 attainment status	Projected 2025 attainment status
60190011	California	Fresno	13.69	14.36	13.09	13.72	Nonattainment	Nonattainment.
60195001	California	Fresno	15.43	15.9	14.9	15.36	Nonattainment	Nonattainment.
60195025	California	Fresno	13.43	13.75	12.94	13.22	Nonattainment	Nonattainment.
60250005	California	Imperial	14.19	14.32	14.83	14.97	Nonattainment	Nonattainment.
60290014	California	Kern	14.24	14.85	13.78	14.37	Nonattainment	Nonattainment.
60290106	California	Kern	15.4	16.43	14.94	15.93	Nonattainment	Nonattainment.
60311004	California	Kings	15.38	16.01	14.82	15.4	Nonattainment	Nonattainment.
60371002	California	Los Angeles	11.6	12.25	11.42	12.07	Maintenance	Maintenance.
60392010	California	Madera	17.37	17.62	16.9	17.14	Nonattainment	Nonattainment.
60470003	California	Merced	13.84	15.27	13.52	14.92	Nonattainment	Nonattainment.
60658001	California	Riverside	12.25	12.74	11.99	12.47	Nonattainment	Maintenance.
60658005	California	Riverside	13.89	14.41	13.63	14.15	Nonattainment	Nonattainment.
60990006	California	Stanislaus	14.44	14.79	13.97	14.31	Nonattainment	Nonattainment.
60990005	California	Stanislaus	12.5	12.84	12.03	12.34	Nonattainment	Maintenance.
60710025	California	San Bernardino	11.79	12.35	11.61	12.15	Maintenance	Maintenance.
60771002	California	San Joaquin	11.49	13.09	11.16	12.71	Maintenance	Maintenance.
61072002	California	Tulare	14.63	15.6	14.06	14.96	Nonattainment	Nonattainment.
160790017	Idaho	Shoshone	12.01	12.43	11.8	12.22	Maintenance	Maintenance.
420030064	Pennsylvania	Allegheny	11.67	12.16	11.18	11.65	Maintenance	Attainment.

Where EPA had sufficient data to complete its air quality modeling, EPA's analysis showed that, except for one monitoring site in Allegheny County, Pennsylvania, monitors in the eastern United States were expected to both attain and maintain the 2012 $PM_{2.5}$ NAAQS in both 2017 and 2025. EPA notes that, as further discussed below, EPA's modeling analysis was inconclusive for monitoring sites with incomplete data.

The modeling results provided in the 2016 memorandum also show that out of seven $PM_{2.5}$ monitors located in Allegheny County, Pennsylvania, only one monitor (ID number 420030064) is expected to be above the 2012 $PM_{2.5}$ NAAQS in 2017.

Further, that monitor (ID number 420030064 or Liberty monitor) is projected to be above the NAAQS only under the model's maximum projected conditions (used in EPA's interstate transport framework to identify maintenance receptors), and is projected to both attain and maintain the NAAQS (along with all Allegheny County monitors) in 2025. The memorandum therefore indicates that under such a condition (where EPA's photochemical modeling indicates an area will attain the 2012 $PM_{2.5}$ NAAQS in 2025 but not attain or maintain in 2017) further analysis of the site should be performed to determine if the site may be a nonattainment or maintenance receptor in 2021 (the attainment deadline for moderate $PM_{2.5}$ areas).

The 2016 Memorandum did note that because of data quality problems, nonattainment and maintenance projections were not done for all or portions of Florida, Illinois, Idaho, Tennessee and Kentucky. Data quality problems were since resolved for Idaho, Tennessee, Kentucky and portions of Florida, identifying no additional potential receptors, with those areas having design values below the 2012 $PM_{2.5}$ NAAQS and expected to maintain the NAAQS due to downward emission trends for NO_X and SO_2 (*www.epa.gov/air-trends/air-quality-design-values* and *www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data*). As of May 2018, the areas that still have data quality issues preventing projections of nonattainment and maintenance receptors are all of Illinois and four counties in Florida. EPA notes that preliminary design values for the four counties in Florida for the most recent period (2015–2017) have been preliminary deemed complete, and are well below the 2012 $PM_{2.5}$ NAAQS. This is further discussed in section III below.

III. EPA's Review

This rulemaking proposes action on the portion of New Jersey's October 17, 2014 SIP submission addressing the ''good neighbor'' provision requirements of CAA section 110(a)(2)(D)(i)(I), which include:

—Prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (otherwise known as prong 1);

—Prohibiting any source or other type of emissions activity in one state from interfering with maintenance of the NAAQS in another state (prong 2).

This rulemaking is evaluating the October 17, 2014 submission, specific to 110(a)(2)(D)(i)(I) (*i.e.,* prongs 1 and 2) for the 2012 $PM_{2.5}$ NAAQS.

In several previous rulemakings, EPA has developed and consistently applied a framework for addressing the prong 1 and 2 interstate transport requirements with respect to the $PM_{2.5}$ NAAQS. That framework has four basic steps, including: (1) Identifying downwind receptors that are expected to have problems attaining or maintaining the NAAQS; (2) identifying which upwind states contribute to these identified problems in amounts sufficient to warrant further review and analysis; (3) for states identified as contributing to downwind air quality problems, identifying upwind emissions reductions necessary to prevent an upwind state from significantly contributing to nonattainment or interfering with maintenance of the NAAQS downwind; and (4) for states that are found to have emissions that significantly contribute to nonattainment or interfere with maintenance of the NAAQS downwind, reducing the identified upwind emissions through adoption of permanent and enforceable measures. This framework was most recently applied with respect to $PM_{2.5}$ in the CSAPR rule, designed to address both the 1997 and 2006 $PM_{2.5}$ standards, as well as the 1997 ozone standard.

A. New Jersey's Submittal

New Jersey's October 2014 SIP submittal includes its SIP-approved New Jersey regulations and control measures that the State has implemented to address the interstate transport of air pollutants for criteria

pollutants, including the 2012 $PM_{2.5}$ NAAQS. New Jersey regulations and control measures that have reduced $PM_{2.5}$, as well as SO_2, NO_X, and Volatile Organic Carbon (VOC) precursor emissions include:

—New Jersey's low sulfur fuel oil rule, New Jersey Administrative Code (N.J.A.C.) 7:27–9 [7], Sulfur in Fuels, reduces SO_2 emissions by reducing the sulfur content of fuel oils used throughout the State, including fuel oil-fired electric generating units (EGUs), home heating, and industrial and commercial boilers. The sulfur content of all distillate fuel oils (#2 fuel oil and lighter) was lowered to 500 parts per million (ppm) beginning on July 1, 2014; and further limited to 15 ppm beginning on July 1, 2016. Beginning July 1, 2014, the sulfur content for #4 fuel oil was lowered to 2,500 ppm; and #6 fuel oil was lowered to a range of 3,000 to 5,000 ppm sulfur content;

—Coal-fired power plants in New Jersey control SO_2 emissions by use of scrubbers to comply with adopted SO_2 rules including stringent, new short-term SO_2 emission limits (*i.e.,* N.J.A.C. 7:27–10.2 [8], effective start date for new emission rates was December 2012;

—N.J.A.C. 7:27–19.29 [9], EGU- High Electric Demand Day (HEDD), require advanced NO_X emission controls for EGU's that operate on HEDD days; New Jersey estimated its NO_X reasonably available control technology (RACT) rules would reduce NO_X emissions by 64 tons per day on HEDD days beginning with the 2015 summer ozone season; and

—New Jersey has a statewide enhanced motor vehicle program that ensures New Jersey has adopted the motor vehicle standards adopted by California to ensure that only the lowest emitting vehicles available are sold in New Jersey

New Jersey has indicated that it has addressed the interstate transport requirements of CAA 110(a)(2)(D)(i)(I) by implementing effective rules to control sources that may significantly contribute to nonattainment of a NAAQS in another state, and therefore addressed New Jersey's downwind contributions from New Jersey sources. New Jersey has also indicated that they have no rules that interfere with the ability of another state to maintain attainment of any ambient air quality standard in that state. New Jersey noted that its rules to control air emissions are more stringent than similar rules in nearby states. The complete list of New Jersey regulations and control measures can be found in the October 2014 SIP submittal, which is included in the docket of this rulemaking.

New Jersey noted that the neighboring states of New York and Delaware do not have any $PM_{2.5}$ nonattainment areas. Additionally, New Jersey indicated that the State of Pennsylvania, in its area designation recommendations [10] to EPA for the 2012 $PM_{2.5}$ NAAQS, determined that nonattainment in the State was caused by local, not regional sources.

New Jersey completed its technical analysis before EPA issued the 2016 Memorandum, which, as discussed earlier, included modeling projections for 2017 and 2025 annual $PM_{2.5}$ design values meant to assist states in implementation of their 2012 $PM_{2.5}$ NAAQS interstate transport SIPs. As discussed below, however, EPA's review of New Jersey's submittal nevertheless concludes that EPA's modeling projections regarding projected future nonattainment and maintenance areas as indicated in the 2016 memorandum, past EPA contribution modeling performed for CSAPR, and certified annual $PM_{2.5}$ design values recorded since New Jersey's submittal confirm New Jersey's analysis that the State has adequately addressed the interstate transport requirements of CAA 110(a)(2)(D)(i)(I).

B. EPA Analysis

As stated above, EPA has developed a four-step approach for addressing the prong one and two interstate transport requirements with respect to the $PM_{2.5}$ NAAQS. The first step is the identification of potential downwind nonattainment and maintenance receptors. EPA identified potential nonattainment and/or maintenance areas in the 2016 memorandum (see section II, Table 1, above). Most of the potential receptors are in California, located in the San Joaquin Valley or South Coast nonattainment areas. There is also one potential receptor in Shoshone County, Idaho, and one potential receptor in Allegheny County, Pennsylvania. In addition, as noted in section II to account for data quality limitations, EPA also considers potential receptors to include all of Illinois and Miami-Dade, Gilchrist, Broward, and Alachua Counties in Florida.

As stated above, ''Step 2'' is the identification of states contributing to downwind nonattainment and maintenance receptors, such that further analysis is required to identify necessary upwind reductions. For this step, we will be specifically determining if New Jersey emissions contribute to downwind nonattainment and maintenance receptors.

For the 1997 and 2006 $PM_{2.5}$ NAAQS, we have used air quality modeling and an air quality threshold of one percent of the $PM_{2.5}$ NAAQS to link contributing states to projected nonattainment or maintenance receptors (76 FR 48237, August 8, 2011). That is, if an upwind state contributes less than the one percent screening threshold to a downwind nonattainment or maintenance receptor, we determine that the state is not ''linked'' and therefore does not significantly contribute to nonattainment or maintenance problems at that receptor. We have not set an air quality threshold for the 2012 $PM_{2.5}$ NAAQS and we do not have air quality modeling showing contributions to projected nonattainment or maintenance receptors for this NAAQS.

The EPA believes that a proper and well-supported weight of evidence approach can provide sufficient information for purposes of addressing transport with respect to the 2012 $PM_{2.5}$ annual NAAQS. We rely on the CSAPR air quality modeling conducted for purposes of evaluating upwind state impacts on downwind air quality with respect to the 1997 annual $PM_{2.5}$ NAAQS of 15 $\mu g/m^3$ (as well as the 2006 24-hour $PM_{2.5}$ NAAQS, and 1997 Ozone NAAQS). Although not conducted for purposes of evaluating the 2012 annual $PM_{2.5}$ NAAQS, this modeling can inform our analysis regarding both the general magnitude of downwind $PM_{2.5}$ impacts and the downwind distance in which states may contribute to receptors with respect to the 2012 annual $PM_{2.5}$ NAAQS of 12 $\mu g/m^3$. If the same 1% contribution threshold used in CSAPR for the 1997 and 2006 $PM_{2.5}$ NAAQS applied to the 2012 $PM_{2.5}$ NAAQS, we could consider the fact that a state's impact was below that value (that is, 0.12 $\mu g/m^3$). We also note that New Jersey's submittal, described above, relies on several factors to support a finding that emissions from New Jersey sources do not significantly contribute to nonattainment, or interfere with maintenance of, the 2012 $PM_{2.5}$ NAAQS in downwind states.

We note that no single piece of information is by itself dispositive of the issue. Instead, the total weight of all the evidence taken together is used to

[7] EPA approval on January 3,2012(77 FR 19).

[8] EPA approval on August 3,2010(75 FR 45483).

[9] EPA approval on August 3,2010 (75 FR 45483).

[10] Commonwealth of Pennsylvania, Final Designation Recommendations for the 2012 $PM_{2.5}$ Standard, available at *http://www.dep.state.pa.us/dep/deputate/airwaste/aq/attain/pm25des/Final_Designation_Recommendations.pdf.*

evaluate significant contributions to nonattainment or interference with maintenance of the 2012 $PM_{2.5}$ NAAQS in another state.

Each of the potential receptors is discussed below, with a more in-depth discussion provided in the Technical Support Document (TSD) for this notice. For additional information, links to the documents relied upon for this analysis can be found throughout the document, more information is available in the TSD and the documents can be found in the docket for this action.

California and Idaho

Based on distance considerations alone, New Jersey can be ruled out as a potential contributor to downwind nonattainment and maintenance receptors in California and Idaho. The nearest of these receptors (Shoshone County, Idaho) is over 1,800 miles from New Jersey. Accordingly, EPA proposes to find that New Jersey will not significantly contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in California and Idaho.

Allegheny County, Pennsylvania

As discussed in the TSD for this rulemaking, EPA has analyzed New Jersey's $PM_{2.5}$ emissions and/or $PM_{2.5}$ precursors, and found that they do not significantly impact the Allegheny County, Pennsylvania (Liberty monitor) potential maintenance receptor. In our analysis we found that there were strong local influences throughout Allegheny County and contributions from nearby states that contributed to its nonattainment for both the 1997 and 2006 $PM_{2.5}$ NAAQS. Contributors to the Liberty monitor in Allegheny County, Pennsylvania have taken steps in recent years, to improve air quality which will likely bring the monitor into compliance with the 2012 $PM_{2.5}$ annual NAAQS by the 2021 attainment date.

Another compelling fact is that in previous modeling, nonattainment in Allegheny County, Pennsylvania was linked to significant contributions from other states.[11] New Jersey was analyzed in this modeling, and New Jersey emissions were not linked to Allegheny County. EPA notes that, in fact, New Jersey's contribution in the CSAPR 2012 base case modeling was 0.024 $\mu g/m^3$, well below 1% of the standard for linkage to downwind receptors.

For these reasons, we propose to find that New Jersey will not significantly contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS for Allegheny County, Pennsylvania.

Miami/Dade, Gilchrist, Broward, Alachua Counties, Florida

In the CSAPR modeling analysis, Florida did not have any potential nonattainment or maintenance receptors identified for the 1997 or 2006 $PM_{2.5}$ NAAQS. At this time, it is anticipated that this trend will continue.

As mentioned earlier in this section, as there are ambient monitoring data gaps in the 2009–2013 data that could have been used to identify potential $PM_{2.5}$ nonattainment and maintenance receptors for Miami/Dade, Gilchrist, Broward and Alachua counties in Florida, the modeling analysis of potential receptors was not complete for these counties. However, EPA notes that the most recent ambient data (2015–2017) for these counties has been preliminarily deemed complete and indicates design values well below the level of the 2012 $PM_{2.5}$ NAAQS. This is also consistent with historical data: Complete and valid design values in the 2006–2008, 2007–2009, and/or 2008–2010 periods for these counties were well below the 2012 $PM_{2.5}$ NAAQS. In addition, the highest preliminary value for these observed monitors is 7.5 $\mu g/m^3$ at a Miami-Dade County monitor (ID 120861016). For these reasons, we find that none of the counties in Florida with monitoring gaps between 2009–2013 should be considered either nonattainment or maintenance receptors for the 2012 $PM_{2.5}$ NAAQS. Therefore, we propose that New Jersey will not significantly contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in Florida.

Illinois

As indicated previously, data quality issues prevent projections of nonattainment and maintenance receptors in Illinois. Previous CSAPR modeling, however, indicates that New Jersey emissions would not impact potential nonattainment and maintenance receptors in Illinois. New Jersey's contribution in the CSAPR 2012 base case modeling was 0.003 $\mu g/m^3$ or less to Illinois counties, a very small fraction of the threshold amount (well below 1% of the standard) for linkage to downwind receptors.

For this reason alone, we propose that New Jersey will not significantly contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in Illinois.

Since we determined that New Jersey's SIP includes provisions prohibiting any source or other type of emissions activity from contributing significantly to nonattainment in or interfering with maintenance of the NAAQS in another state, steps 3 and 4 of this evaluation are not necessary.

In conclusion, based on our review of the potential receptors presented in the 2016 memorandum, an evaluation identifying likely emission sources affecting these potential receptors, distance considerations, and the 2012 base case modeling in the CSAPR final rule, we propose to determine that emissions from New Jersey sources will not contribute significantly to nonattainment in or interfere with maintenance by, any other state with regard to the 2012 annual $PM_{2.5}$ NAAQS.

IV. What action is EPA taking?

EPA is proposing to approve the portion of New Jersey's October 17, 2014 SIP submission addressing the interstate transport provisions for the 2012 $PM_{2.5}$ NAAQS under CAA section 110(a)(2)(D)(i)(I).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

[11] Air Quality Modeling for 2011 Cross-State Air Pollution Rule (CSAPR) (76 FR 48207, August 8, 2011).

• 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).

List of Subjects in 40 CFR Part 52

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

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

Dated: May 8, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

[FR Doc. 2018–10803 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0395; FRL–9978–32—Region 4]

Air Plan Approvals; Tennessee: Revisions to Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a portion of a revision to the Tennessee State Implementation Plan (SIP) submitted on June 25, 2008, by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on behalf of the Chattanooga/Hamilton County Air Pollution Control Bureau (Chattanooga/Hamilton County). The SIP submittal includes changes to Chattanooga/Hamilton County's air quality rules that, among other things, modify several ambient air standards. The portion of the SIP revision that EPA is approving is consistent with the requirements of the Clean Air Act (CAA or Act). EPA will act on the other portions of the June 25, 2008, submittal in a separate action.

DATES: Written comments must be received on or before June 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0395 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, 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: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Bell can be reached via telephone at (404) 562–9088 or via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 108 and 109 of the CAA govern the establishment, review, and revision, as appropriate, of the National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. The CAA requires periodic review of the air quality criteria—the science upon which the standards are based—and the standards themselves. EPA's regulatory provisions that govern the NAAQS are found at 40 CFR part 50—*National Primary and Secondary Ambient Air Quality Standards.*

On June 25, 2008, TDEC submitted to EPA a SIP revision to the Chattanooga/Hamilton County portion of the Tennessee SIP that contains changes to a number of Chattanooga-Hamilton County's air quality rules in Chapter 4 of Part II, Section 4–41. EPA is proposing to approve changes to the SIP through this action that deletes the current version and substitutes a revised version of Chapter 4 of Part II, Section 4–41, Rule 21 of the Chattanooga City Code ''Ambient Air Quality Standards.'' [1] Chattanooga-Hamilton County revised its rule to be consistent with changes to federal NAAQS.

II. Analysis of State's Submittal

On June 25, 2008, TDEC submitted a SIP revision to EPA for review and approval. The revision deletes the current version and substitutes a revised version of Chapter 4 of Part II, Section 4–41, Rule 21 of the Chattanooga City Code ''Ambient Air Quality Standards.'' Chattanooga/Hamilton County revised rule 21 to reflect all criteria pollutants; Carbon Monoxide (CO), Lead (Pb), Nitrogen Dioxide (NO_2), Particulate Matter (PM_{10}), Ozone (O_3), and Sulfur Dioxide (SO_2), relating to all the national ambient air quality standards (NAAQS). *See* 76 FR 54294 (August 31, 2011), 73 FR 66964 (November 12, 2008), 75 FR 6474 (February 9, 2010), 61 FR 52852 (October 8, 1996), 73 FR 16436 (March 27, 2008), 75 FR 35520 (June 22, 2010), 38 FR 25678 (September 14, 1973). EPA is approving this revision to the Chattanooga/Hamilton County portion of the Tennessee SIP to maintain consistency with the NAAQS. The Chattanooga/Hamilton County rule revision became state-effective on June 11, 2008. EPA has reviewed these changes to the Chattanooga/Hamilton County regulations for CO, Pb, NO_2, PM_{10}, O_3 and SO_2, and has made the preliminary determination that these changes are consistent with federal regulation.[2]

[1] EPA will consider the other changes included in Tennessee's June 25, 2008, SIP revision in a future rulemaking.

[2] The submittal does not address the 2008 8-hour O_3, 2015 8-hour O_3, 2010 SO_2, 2010 NO_2, 2012 $PM_{2.5}$ and 2008 Pb standards because these standards were not promulgated at the time the submission was provided to EPA.

III. Incorporation by Reference

In this rule, 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, EPA is proposing the incorporation by reference of Chapter 4 of Part II, Section 4–41, Rule 21 of the Chattanooga City Code ''Ambient Air Quality Standards.'' effective June 11, 2008, which revised criteria pollutants. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

Pursuant to section 110 of the CAA, EPA is proposing to approve the aforementioned changes to Tennessee's SIP for Chapter 4 of Part II, Section 4–41, Rule 21. EPA has evaluated the relevant portion of Tennessee's June 25, 2008, SIP revision and has determined that it meets the applicable requirements of the CAA and EPA regulations.

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

The SIP is not approved to apply on any Indian reservation land 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Dated: May 7, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–10688 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9978–04–Region 2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fulton Terminals Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent to delete.

SUMMARY: The Fulton Terminals site (Site), located in the City of Fulton, Oswego County, New York, originally consisted of an approximately 1.5-acre ''On-Property'' area, bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481, and on the north by a warehouse, and an ''Off-Property'' area, defined by the area between the On-Property area's western property boundary to the Oswego River (approximately 50 feet). The On-Property area was deleted from the National Priorities List (NPL) on April 6, 2015 (80 FR 5957). The Off-Property area remained on the NPL because residual groundwater contamination was still present. Because the groundwater in the Off-Property area has achieved the cleanup levels, the U.S. Environmental Protection Agency (EPA) is issuing this Notice of Intent to Delete (NOID) the Off-Property area from the NPL and requests public comments on this proposed action.

DATES: Comments must be received by June 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1983–0002, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Christos Tsiamis, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, 290 Broadway, 20th Floor, New York, NY 10007–1866, 212–637–4257, or *tsiamis.christos@epa.gov.*

SUPPLEMENTARY INFORMATION: Because residual groundwater contamination (cis-1,2-dichloroethene [DCE] and vinyl chloride [VC]) was still present in the Off-Property area, this area remained on the NPL, and groundwater monitoring

and five-year reviews were still required.

Groundwater samples were collected from the Off-Property area in July 2016, June 2017, and September 2017 and they were analyzed for cis-1,2-DCE and VC. The reported concentrations of these constituents detected in the analyses of these samples were all below the cleanup levels, with two of the three being ''non-detect'' (*i.e.,* concentrations were below the laboratory detection limits of 0.5 micrograms per liter). Based on an analysis of all the groundwater monitoring wells and associated contaminant-specific data, it was concluded that the groundwater remedy has achieved the cleanup levels selected for the Site and data analysis indicates that the contaminant levels in the groundwater will remain below these standards. Therefore, the EPA has determined that the response action is completed and that no further monitoring or five-year reviews at the Site are necessary.

The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan. The EPA and the State of New York, through the New York State Department of Environmental Conservation (NYSDEC), have determined that all appropriate response actions under CERCLA have been completed at the Site and that it no longer poses a threat to public health or the environment. Therefore, the EPA and NYSDEC have concluded that this NOID is appropriate. However, this deletion does not preclude future actions under Superfund should future conditions warrant such action.

In the ''Rules and Regulations'' Section of today's **Federal Register**, the EPA is publishing a direct final Notice of Deletion (NOD) of the Site without prior NOID because the EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this deletion in the preamble to the direct final NOD. If the EPA receives no adverse comment(s) on this deletion action, the EPA will proceed with the deletion without further action on this NOID. If the EPA receives adverse comment(s), the EPA will withdraw the direct final NOD, and it will not take effect. The EPA will, as appropriate, address all public comments in a subsequent final NOD based on this NOID. The EPA will not institute a second comment period on this NOID. Any parties interested in commenting must do so at this time.

For additional information, see the direct final NOD, which is in the ''Rules'' section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: April 19, 2018.

Peter D. Lopez,

Regional Administrator, EPA Region 2.

[FR Doc. 2018–10800 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9978–25—Region 10]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Frontier Hard Chrome, Inc. Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete Frontier Hard Chrome, Inc. (FHC) Superfund Site (Site) located in Vancouver, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Washington, through the Department of Ecology, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by June 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, by one of the following methods:

(1) *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

(2) *Email:* Laura Knudsen, Community Involvement Coordinator, at *knudsen.laura@epa.gov.*

(3) *Mail:* Laura, Knudsen, U.S. EPA Region 10, 1200 Sixth Avenue, Suite 155, RAD–202–3, Seattle, Washington 98101–3123.

(4) *Hand delivery:* Records Center, U.S. EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, Washington. Monday through Friday, except Federal holidays, between 9:00 a.m. and 5:00 p.m. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without

going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://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 the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: Records Center, U.S. EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, Washington, Monday through Friday, except Federal holidays, between 9:00 a.m. and 5:00 p.m.; Vancouver Community Library, 901 C Street, Vancouver, Washington 98660, 360–906–5000 between 9:00 a.m. and 8:00 p.m. Monday to Thursday, or 10:00 a.m. and 6:00 p.m. Friday to Sunday.

FOR FURTHER INFORMATION CONTACT: Jeremy Jennings, Remedial Project Manager, U.S. EPA Region 10, 1200 Sixth Avenue, Suite 155, ECL–12, Seattle, Washington 98101–3123 206–553–2724, email *jennings.jeremy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The EPA Region 10 announces its intent to delete the Frontier Hard Chrome, Inc. Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. 9605. The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

The EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Frontier Hard Chrome, Inc. Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), the EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(1) Responsible parties or other persons have implemented all appropriate response actions required;

(2) all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(3) the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

The EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site will be restored to the NPL without application of the hazard ranking system

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) The EPA consulted with the State before developing this Notice of Intent to Delete.

(2) The EPA has provided the state 30 working days for review of this notice prior to publication of it today

(3) In accordance with the criteria discussed above, the EPA has determined that no further response is appropriate;

(4) The State of Washington, through the Department of Ecology, has concurred with deletion of the Site from the NPL.

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice is being published in a major local newspaper, the *Columbian.* The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

If comments are received within the 30-day public comment period on this document, the EPA will evaluate and respond appropriately to the comments before making a final decision to delete. The EPA will prepare a Responsiveness Summary to address any significant public comments or data received during the public comment period. After the public comment period, if the EPA determines it is still appropriate to delete the Site, the Regional Administrator will publish a final Notice of Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the Site information repositories listed above.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Intended Site Deletion

The following information provides the EPA's rationale for deleting the Site from the NPL:

Site Background and History

The ½-acre Frontier Hard Chrome (FHC), Inc. Superfund Site (EPA ID:

WAD053614988) is located at 113 Y Street, Vancouver, Clark County, Washington, approximately ¾ mile north of the Columbia River. The area was once dominated by light industry but has transitioned to commercial and residential uses. Between 1958 and 1983, two chrome plating businesses, Pioneer Plating (1958 to 1970) and Frontier Hard Chrome (1970 to 1983) occupied the Site. Since 1983, the Site has been used by various businesses. A commercial storage facility and parking lot are currently being constructed at the Site.

In 1976, untreated chromium plating wastes from FHC's operations were temporarily rerouted from the sanitary sewer to an on-Site dry well while an on-site treatment system was constructed. Despite several enforcement actions, the treatment system was never designed or constructed. In January 1983, the Washington Department of Ecology (Ecology) ordered FHC to stop the discharge of chromium plating wastes to the dry well and to prepare a plan to investigate the groundwater. Before taking any action, FHC closed the business.

In 1982, an industrial supply well about ¼ mile from the Site was found to be contaminated with chromium at more than twice the federal drinking water standard referred to as the ''maximum contaminant level'' (MCL). Further investigation, indicated the presence of a plume with elevated chromium concentrations downgradient of the dry well on the FHC property.

In December 1982, the EPA proposed that the Site be included on the NPL established by the EPA under Section 105(a) of CERCLA, 42 U.S.C. 9605(a) (47 FR 58476). Following consideration of public comments, the listing was finalized by the EPA in September 1983 (48 FR 40658).

Remedial Investigation and Feasibility Study (RI/FS)

In 1984, Ecology initiated the Remedial Investigation (RI). Initial testing found total chromium levels in groundwater beneath the Site that were more than 2,000 times the MCL [50 micrograms per liter (µg/L)] and had spread approximately 1,600 feet southwest of the source. Later, total chromium concentrations in groundwater near the former dry well were found as high as 300,000 µg/L.

Chromium in soils near the former dry well were identified as the source of the groundwater contamination at FHC. Total chromium levels in surface soils were reported as high as 5,200 milligrams per kilogram (mg/kg) and hexavalent chromium as high as 42 mg/kg. Subsurface soil concentrations for total and hexavalent chromium were reported as high as 31,800 mg/kg and 7,506 mg/kg, respectively. Elevated chromium levels were found up to 20 feet below the ground surface and extended beyond the southern property boundary.

Selected Remedy

The EPA issued a December 1987 Operable Unit 1 (OU 1) Record of Decision (ROD) to address contaminated soils and source areas, and a July 1988 OU 2 ROD to address contaminated groundwater. The objectives of the OU1 soil remedy were to protect human health by preventing the direct exposure to chromium contaminated soils and dusts and to protect the groundwater by controlling the source of the contamination and included excavation, chemical treatment by a chemical binding agent, and off-Site disposal. Based on a Site-specific leachate test, all soils with total chromium concentrations greater than 550 mg/kg (approximately 7,400 cubic yards of soil) were removed and disposed of offsite.

The remedy selected in the OU 2 ROD called for extraction of groundwater from the areas where levels of chromium exceeded 50,000 µg/L, followed by treatment using selective media ion exchange and discharge to the Columbia River or Vancouver's sewer system. To prevent consumption of contaminated drinking water, institutional controls would be used to restrict the use of groundwater in and around the contaminated plume.

During the remedial design for OU 1, bench scale tests indicated that the stabilization methods selected in the remedy would likely not be effective at preventing the leaching of hexavalent chromium from Site soils. In response, the EPA initiated a Focused Feasibility Study that identified and evaluated several new and innovative technologies for addressing the contamination remaining at the Site. The results of bench scale testing indicated that In-Situ Redox Manipulation (ISRM) would be the most effective technology to address the cleanup objectives.

On August 30, 2001, the EPA issued a ROD amendment (RODA) modifying the remedial action selected in the 1987 and 1988 RODs. The amended remedy called for an ISRM Treatment Barrier to be installed at the southern edge of the groundwater hot spot and for reducing compounds to be injected into the contaminated soils and groundwater upgradient of the barrier. After injection, the reductant reacted with naturally occurring iron in the soils to create a permeable reactive zone, thereby reducing hexavalent chromium to trivalent chromium. Groundwater downgradient of the barrier would be restored through natural dispersion and dilution. Regular monitoring would be conducted until all groundwater met the cleanup level of 50 µg/L. Institutional controls (ICs) that limited access to contaminated soils and groundwater and future activities that threaten to remobilize chromium in Site soils were to be evaluated and implemented.

Response Actions

In 1994, to reduce the threat of direct exposure and further impacts to groundwater from the most heavily contaminated surface soils, Ecology excavated surface soils with chromium concentrations above 210 mg/kg (approximately 160 cubic yards) and disposed of them off-Site. The area was backfilled with clean material and a commercial office building was constructed on the property.

In December 2000, in conjunction with a local drainage project, the EPA extended a tight-lined drain pipe with road drains and catch basins to the south and west of the Site. The extension allowed stormwater to drain away from the FHC Site, thus preventing further infiltration of surface water through contaminated soils and into groundwater.

From 2001 to 2003, the EPA designed and implemented the ISRM Treatment selected in the 2001 RODA. Chemical reductant was first injected along the southern edge of an area with the highest chromium levels in the groundwater, forming the ISRM barrier, and then applied to source area soils and groundwater upgradient of the barrier. On September 22, 2003, the EPA signed a Preliminary Close-Out Report documenting the completion of construction activities. On September 28, 2012, the Site was designated as ''Sitewide Ready for Anticipated Use''.

In 2003 the EPA also reviewed existing local and state controls that would protect the public from exposure to soils and groundwater impacted by past releases at the Site. The EPA determined that existing controls sufficiently limited access to contaminated soils and groundwater and that no additional ICs were required. Even so, when approached in 2004 by a perspective developer interested in purchasing the property, the EPA entered into an Agreement and Covenant Not to Sue with the developer. The Agreement was recorded on the property deeds and required compliance with seven institutional controls,

including prohibitions on the installation of groundwater wells and use of groundwater.

In February 2004, a Long-Term Monitoring Plan was developed by the EPA to track the size of the chromium plume downgradient of the Site and to ensure the protectiveness of the remedy. In 2007, the size of the network and the frequency of sampling were reduced. The final sampling event took place in 2016.

Cleanup Levels

The cleanup levels established in the RODA were based on federal drinking water standards, State cleanup levels established under the Model Toxics Control Act (MTCA), and State surface water standards. Consistent with MTCA, cleanup levels for hexavalent and trivalent chromium in soils were set at 19 mg/kg and 80,000 mg/kg respectively. Also based on MTCA, a groundwater cleanup level of 50 µg/L total chromium was established. Finally, the State's chronic surface water standards were used to establish a cleanup level of 10.5 µg/L for groundwater immediately upgradient of the Columbia River.

Following the 2016 sampling event, the EPA reviewed the data and found that, over the last several years, total chromium had only been detected at one well and that the groundwater concentrations at that well were below the cleanup level of 50 µg/L (Well B–87–8; 8.82 µg/L total chromium). A statistical analysis indicated the groundwater had attained the cleanup level and was expected to continue to do so in the future. Since monitoring began in 2004, the total chromium concentration in the wells closest to the river (well W99–R5A W99–R5B) have been below the cleanup level of 10.5 µg/L set for groundwater immediately upgradient of the Columbia River.

A Final Close-Out Report documenting completion of all remedial actions was signed by the EPA on January 29, 2018. The report documented that all soil and groundwater Remedial Action Objectives (RAOs) and cleanup levels established in the 2001 RODA had been attained, the remedy had been successfully implemented, and no further CERCLA actions were required at the Site. However, in 2018, all remaining monitoring wells will be decommissioned by Ecology. No additional monitoring or Operations and Maintenance of the remedy are required.

Five-Year Review

Three policy five-year reviews (FYR) have been completed at the Site, the last one in January 2018.

No issues or follow-up actions were identified as part of the 2018 Five-Year Review. The protectiveness statement read: ''Because the remedial actions at OU 1 and OU 2 are protective, the site is protective of human health and the environment.''

The analysis conducted concurrent with the last FYR indicates that the remedy has been fully implemented and the remedial action objectives and related cleanup levels have been attained. No hazardous substances, pollutants or contaminants remain above levels that could prevent unlimited use and unrestricted exposure (UU/UE). Therefore, no further five-year reviews are required.

Community Involvement

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k) and CERCLA Section 117, 42 U.S.C. 9617. Throughout the remedial process, the EPA has kept the public informed of activities being conducted at the Site by way of informational meetings, fact sheets and public meetings.

Documents in the deletion docket which the EPA relied on for the recommendation for deletion from the NPL are available to the public at the information repositories identified previously. Concurrent with this notice, a notice of availability of the Notice of Intent for Deletion has been published in *The Columbian,* initiating a 30-day public comment period. EPA will review all comments received before making a final decision on this proposed deletion action.

Determination That the Site Meets the Criteria for Deletion in the NCP

The EPA, with concurrence of the State of Washington through the Department of Ecology, has determined that the implemented remedy achieves the degree of cleanup or protection specified in the RODs and RODA for all pathways of exposure. All selected remedial and removal action objectives and associated cleanup levels are consistent with agency policy and guidance. No further Superfund response is needed to protect human health and the environment.

In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where all appropriate response actions have been implemented and where no further response is appropriate. Consistent with this, the EPA is proposing deletion of this Site from the NPL.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: May 3, 2018.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2018–10796 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[GN Docket No. 18–122; DA 18–446]

Office of Engineering and Technology, International, and Wireless Telecommunications Bureaus Seek Comment for Report on the Feasibility of Allowing Commercial Wireless Services, Licensed or Unlicensed, To Use or Share Use of the Frequencies Between 3.7–4.2 GHz

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, and pursuant to the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act (MOBILE NOW Act), the Office of Engineering and Technology and the International and Wireless Telecommunications Bureaus (Bureaus) seek comment for an upcoming Commission report that will address the feasibility of allowing commercial wireless services to use or share use of the 3.7–4.2 GHz spectrum band.

DATES: Comments are due on or before May 31, 2018. Reply comments are due on or before June 15, 2018.

ADDRESSES: To the extent commenters wish to submit materials in the current docket (*GN Docket No. 18–122*) that are substantially similar to materials filed in other potentially related Commission proceedings (such as *GN Docket No. 17–183, RM–11778, and RM–11791*), the Commission asks commenters to submit an abbreviated filing that incorporates by reference the relevant arguments

from any previously filed material by identifying (a) the previously filed document (with the docket number of the proceeding in which it was filed and the date filed), and (b) the specific arguments in that previously filed document that the commenter is submitting for consideration in the current proceeding. You may submit comments, identified by [*GN Docket No. 18–122*], by any of the following methods:

■ *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs/filings.* Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number, GN Docket No. 18–122.

■ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the captions of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings in response to this document can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

■ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. Eastern Time. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

■ *Commercial* overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

■ *U.S. Postal Service* first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

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

FOR FURTHER INFORMATION CONTACT: Ariel Diamond, (202) 418–2803, *Ariel.Diamond@fcc.gov.*

SUPPLEMENTARY INFORMATION: On March 23, 2018, Congress passed the FY 2018 omnibus spending bill into law, which includes the MOBILE NOW Act under Title VI of RAY BAUM'S Act.[1] Section 605(b) of the MOBILE NOW Act requires the Commission to submit a report (3.7–4.2 GHz Report), to appropriate committees of Congress [2] and to the Secretary of Commerce no later than September 23, 2019, ''evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share use of the frequencies between 3700 megahertz and 4200 megahertz.'' [3]

The Commission notes that there is currently no federal allocation for the 3.7–4.2 GHz band. Nonetheless, we seek comment on the following questions:

- How should we assess the operations and possible impacts of sharing on Federal and non-Federal users already operating in this band?
- How might sharing be accomplished, with licensed and/or unlicensed operations, without causing harmful interference to Federal and non-Federal users already operating in this band, and in which parts of the band would such sharing be feasible?
- What other considerations should the Commission take into account in preparing the 3.7–4.2 GHz Report?

The Act further provides that the report should include an assessment of the operations of Federal entities that operate Federal Government stations authorized to use the 3.7–4.2 GHz band.[4] The Commission intends to consult with National Telecommunications and Information Administration (NTIA) and the heads of each affected Federal agency regarding the Federal entities, stations, and operations in the band, and the required issues and assessments. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

[1] *See* Section 601 of the Act. We note that the Act refers to the 3.7–4.2 GHz band as the frequencies between 3700 megahertz and 4200 megahertz.

[2] Section 602 of the Act defines the appropriate committees of Congress.

[3] *See* Section 605(b) of the Act.

[4] *See* Section 605(c) of the Act.

Paperwork Reduction Act (PRA)

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

Ex Parte Rules

This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules.[5] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

Federal Communications Commission.

John Schauble,

Deputy Chief, Broadband Division, Wireless Telecommunications Bureau.

[FR Doc. 2018–10787 Filed 5–18–18; 8:45 am]

BILLING CODE 6712–01–P

[5] *See* 47 CFR 1.1200(a), 1.1206.

Notices

Federal Register
Vol. 83, No. 98
Monday, May 21, 2018

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 15, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 20, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: Rural Community Development Initiative (RCDI).

OMB Control Number: 0575–0180.

Summary of Collection: Congress first authorized the Rural Community Development Initiative (RCDI) in 1999 with an appropriation of $6 million under the Rural Community Advancement Program (Pub. L. 106–78, which was amended by the Consolidated Appropriations Act, 2016 (Pub. L. 114–113)). The Community Facilities Division under the Rural Housing Service (RHS) administers this grant program. The intent of the RCDI grant program is to develop the capacity and ability of rural area recipients to undertake projects through a program of financial and technical assistance provided by qualified intermediary organizations. Intermediaries may be private or public (including tribal) organizations. Intermediaries are required to provide matching funds in an amount equal to the RCDI grant. Eligible recipients are nonprofit organizations, low-income rural communities, or federally recognized tribes.

Need and Use of the Information: RHS will collect information to determine applicant/grantee eligibility, project feasibility, and to ensure that grantees operate on a sound basis and use grant funds for authorized purposes. Failure to collect this information could result in improper use of Federal funds.

Description of Respondents: Not-for profit institutions; State, Local or Tribal Government.

Number of Respondents: 90.

Frequency of Responses: Reporting: Quarterly; Annually; Third party disclosure.

Total Burden Hours: 4,549.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–10675 Filed 5–18–18; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Pacific Time) Tuesday, May 22, 2018. The purpose of the meeting is for the Committee to debrief testimony received at four public meetings (April 3, 2018; April 17, 2018; May 1, 2018; and May 2, 2018) on human trafficking in Oregon.

DATES: The meeting will be held on Tuesday, May 22, 2018, at 12:00 p.m. PT.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 888–726–2418, Conference ID: 2544884.

This meeting is available to the public through the above toll-free call-in number. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed

to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=270.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Debrief
III. Public comment
IV. Next Steps
V. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of this Committee preparing for its report on human trafficking that will be issued before the end of the fiscal year.

Dated: May 15, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–10684 Filed 5–18–18; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 180415374–8374–01]

Current Mandatory Business Surveys

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) has determined that it is conducting the following current mandatory business surveys in 2018: Annual Retail Trade Survey, Annual Wholesale Trade Survey, Service Annual Survey, Report of Organization, Manufacturers' Unfilled Orders Survey, Annual Capital Expenditures Survey, Business Research and Development (R&D) Survey, and the Business and Professional Classification Report. We have determined that data collected from these surveys are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other governmental sources.

ADDRESSES: The Census Bureau will make available the reporting instructions to the organizations included in the surveys. Additional copies are available upon written request to the Director, 4600 Silver Hill Road, U.S. Census Bureau, Washington, DC 20233–0101.

FOR FURTHER INFORMATION CONTACT: Nick Orsini, Assistant Director for Economic Programs, U.S. Census Bureau, 4600 Silver Hill Road, 5H160, Washington, DC 20233, Telephone: 301–763–2558; Email: *Nick.Orsini@census.gov.*

SUPPLEMENTARY INFORMATION: The surveys described herein are authorized by Title 13, United States Code (U.S.C.), Sections 131, 182 and 193 and are necessary to furnish current data on the subjects covered by the major censuses. These surveys are made mandatory under the provisions of Sections 224 and 225 of Title 13, U.S.C. These surveys will provide continuing and timely national statistical data for the period between economic censuses. The data collected in the surveys will be within the general scope and nature of those inquiries covered in the economic census. The next economic census will be conducted in 2018 for the reference year 2017.

Annual Retail Trade Survey

The Annual Retail Trade Survey collects data on annual sales, sales tax, e-commerce sales, year-end inventories held inside and outside the United States, total operating expenses, purchases, and accounts receivable from a sample of employer firms with establishments classified in retail trade as defined by the North American Industry Classification System (NAICS). These data serve as a benchmark for the more frequent estimates compiled from the Monthly Retail Trade Survey. During the 2017 survey year that will be collected in 2018, this survey will additionally collect detailed operating expenses data. These items are collected once every 5 years.

Annual Wholesale Trade Survey

The Annual Wholesale Trade Survey collects data on annual sales, e-commerce sales, year-end inventories held both inside and outside of the United States, method of inventory valuation, total operating expenses, purchases, gross selling value, and commissions from a sample of employer firms with establishments classified in wholesale trade as defined by the NAICS. These data serve as a benchmark for the more frequent estimates compiled from the Monthly Wholesale Trade Survey. During the 2017 survey year that will be collected in 2018, this survey will additionally collect detailed operating expenses and sales tax data. These items are collected once every five years. These additional questions are only applicable to the merchant wholesale establishments, excluding manufacturers' sales branches and offices.

Service Annual Survey

The Service Annual Survey collects annual data on total revenue, select detailed revenue, total and detailed expenses, and e-commerce revenue for a sample of businesses in the service industries. These industries include Utilities; Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Administration and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; Accommodation and Food Services; and Other Services as defined by the NAICS. These data serve as a benchmark for the more frequent estimates compiled from the Quarterly Services Survey.

Report of Organization

The Report of Organization collects annual data on ownership or control by a domestic or foreign parent and ownership of foreign affiliates. This includes research and development, company activities such as employees from a professional employer organization, operational status, mid-March employment, first-quarter payroll, and annual payroll of establishments from a sample of multi-establishment enterprises in order to update and maintain a centralized, multipurpose business register. For survey year 2017 that will be collected in 2018, the Report of Organization will be conducted in conjunction with the 2017 Economic Census, as has been done for previous economic censuses. During this year, the universe of multi-establishment companies will receive Report of Organization inquiries.

Manufacturers' Unfilled Orders Survey

The Manufacturers' Unfilled Orders Survey collects annual data on sales and unfilled orders in order to provide annual benchmarks for unfilled orders for the monthly Manufacturers' Shipments, Inventories, and Orders (M3) survey. The Manufacturers' Unfilled Orders Survey data are also used to determine whether it is necessary to collect unfilled orders data for specific industries on a monthly basis, as some industries are not requested to provide unfilled orders data in the M3 Survey.

Annual Capital Expenditures Survey

The Annual Capital Expenditures Survey collects annual data on the amount of business expenditures for new and used structures and equipment from a sample of non-farm, non-governmental companies, organizations, and associations. Both employer and nonemployer companies are included in the survey. The data are the sole source of investment in buildings and other structures, machinery, and equipment by all private nonfarm businesses in the United States, by the investing industry, and by kind of investment. Every five years, detailed data by types of structures and types of equipment are collected from companies with employees. These detailed data will be collected for the 2017 reference year, which began with data collection in March 2018.

Business Research and Development Survey

The Business Research and Development Survey (BRDS) collects annual data on spending for research and development activities by businesses. This survey replaced the Survey of Industrial Research and Development that had been collected since the 1950s. The BRDS collects global as well as domestic spending information, more detailed information about the R&D workforce, and information regarding intellectual property from U.S. businesses. The Census Bureau collects and compiles this information in accordance with a joint project agreement between the National Science Foundation (NSF) and the Census Bureau. The NSF posts the joint project's information results on its website. Beginning in 2018, and for the 2017 reference year, the BRDS will no longer collect R&D and innovation statistics from micro businesses, or firms with less than 5 employees. Additionally, the BRDS will no longer collect data on innovation. This information will now be collected through a new collection called the Annual Business Survey.

Business and Professional Classification Report

The Business and Professional Classification Report collects one-time data on a firm's type of business activity from a sample of newly organized employer firms. The data are used to update the sampling frames for our current business surveys to reflect these newly opened establishments. Additionally, the business classification data will help ensure businesses are directed to complete the correct report in the economic census.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 45, OMB approved the surveys described in this notice under the following OMB control numbers: Annual Retail Trade Survey, 0607–0013; Annual Wholesale Trade Survey, 0607–0195; Service Annual Survey, 0607–0422; Report of Organization, 0607–0444; Manufacturers' Unfilled Orders Survey, 0607–0561; Annual Capital Expenditures Survey, 0607–0782; Business R&D and Innovation Survey, 0607–0912; and Business & Professional Classification Report, 0607–0189.

Based upon the foregoing, I have directed that the current mandatory business surveys be conducted for the purpose of collecting these data.

Dated: May 15, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, performing the non-exclusive functions and duties of the Director, Bureau of the Census.

[FR Doc. 2018–10759 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Honey From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on honey from the People's Republic of China (China) for the period of review (POR) December 1, 2016, through November 30, 2017.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Rachel Greenberg or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0652 or (202) 482–2593, respectively.

Background

On December 4, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order on honey from China for the period December 1, 2016, through November 30, 2017.[1] On January 2, 2018, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the American Honey Producers Association and Sioux Honey Association (the petitioners), requested a review of the AD order with respect to two companies.[2] On February 23, 2018, in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the AD order on honey from China with respect to these companies.[3] On April 27, 2018, the petitioners timely withdrew their request for an administrative review of all companies named in the petitioners' review request.[4] No other party requested a review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication date of the notice of initiation of the requested

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 57219 (December 4, 2017).

[2] *See* the petitioners' request for administrative review, ''Honey from the People's Republic of China: Request for Administrative Review; 2016–2017,'' dated January 2, 2018 (Review Request).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 8058 (February 23, 2018).

[4] *See* the petitioners' withdrawal of administrative review request, ''Honey from the People's Republic of China—Petitioners' Withdrawal of Request for 2016/2017 Administrative Review,'' dated April 27, 2018.

review. The petitioners withdrew their request for review within the 90-day deadline. Because Commerce received no other requests for review of the above-referenced companies, and no other requests were made for a review of the AD order on honey from China with respect to other companies, we are rescinding the administrative review covering the period December 1, 2016, through November 30, 2017, in full, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of honey from China during the POR at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register.**

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: May 15, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–10778 Filed 5–18–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–836, A–580–891, A–469–816, A–489–831, A–412–826]

Carbon and Alloy Steel Wire Rod From Italy, the Republic of Korea, Spain, the Republic of Turkey, and the United Kingdom: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determinations for Spain and the Republic of Turkey

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on carbon and alloy steel wire rod (wire rod) from Italy, the Republic of Korea (Korea), Spain, the Republic of Turkey (Turkey), and the United Kingdom. In addition, Commerce is amending its affirmative final determinations for Spain and Turkey to correct ministerial errors.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Mark Flessner at (202) 482–6312 (Italy), Lingjun Wang at (202) 482–2316 (Korea), Chelsey Simonovich or Davina Friedmann at (202) 482–1979 or (202) 482–0698 (Spain), Ryan Mullen or Ian Hamilton at (202) 482–5260 and (202) 482–4798, respectively (Turkey), and Alice Maldonado at (202) 482–4682 (United Kingdom), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(a), 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (Act), and 19 CFR 351.210(c), on March 28, 2018, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom.[1]

On March 27, 2018, Nucor Corporation, a petitioner in these investigations (the petitioner), alleged that Commerce made a ministerial error in the *Turkey Final Determination* with regard to programming language identifying the U.S. date of sale for respondent Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas).[2] On April 13, 2018, Commerce issued a ministerial error memorandum agreeing that it made a ministerial error, but found that revisions to the programming language had no impact on the final margin for Habas.[3] On April 17, 2018, the petitioner commented on Commerce's ministerial error memorandum and alleged that Commerce misplaced the revised programming language used to correct Habas' U.S. date of sale, which incorrectly resulted in no change to the calculated margin.[4] Habas did not comment on either allegation.

On April 3, 2018, Global Steel Wire S.A., CELSA Atlantic S.A., and Compañía Española de Laminación (collectively, CELSA) alleged that Commerce made ministerial errors by mischaracterizing the destination codes in the final margin program in the *Spain Final Determination.* Additionally, CELSA alleges that Commerce failed to deduct all applicable U.S. constructed

[1] *See Carbon and Alloy Steel Wire Rod From Italy: Final Determination of Sales at Less Than Fair Value,* 83 FR 13230 (March 28, 2018); *Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 83 FR 13228 (March 28, 2018) and the accompanying Issues and Decision Memorandum; *Carbon and Alloy Steel Wire Rod From Spain: Final Determination of Sales at Less Than Fair Value, and Final Determination of Critical Circumstances, in Part,* 83 FR 13233 (March 28, 2018) (*Spain Final Determination*) and the accompanying Issues and Decision Memorandum; *Carbon and Alloy Steel Wire Rod from Turkey: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 83 FR 13249 (March 28, 2018) *(Turkey Final Determination)* and the accompanying Issues and Decision Memorandum; *Carbon and Alloy Steel Wire Rod from the United Kingdom: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 83 FR 13252 (March 28, 2018) and the accompanying Issues and Decision Memorandum.

[2] *See* Petitioner's Letter, ''Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Ministerial Error Allegation,'' dated March 27, 2018.

[3] *See* Memorandum, ''Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod From Turkey: Allegation of Ministerial Error in the Final Determination,'' dated April 13, 2018.

[4] *See* Petitioner's Letter, ''Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Comments on the Department's Ministerial Error Memorandum,'' dated April 17, 2018.

export price (CEP) expenses in the margin calculation program.[5]

On May 11, 2018, the ITC notified Commerce of its affirmative final determinations that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) and 705(d) of the Act, by reason of LTFV imports of subject merchandise from Italy, Korea, Spain, Turkey, and the United Kingdom, and its determinations that critical circumstances do not exist with respect to imports of wire rod from Spain and the United Kingdom that are subject to Commerce's affirmative critical circumstances findings.[6]

Scope of the Orders

The product covered by these orders is wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom. For a complete description of the scope of the orders, *see* the Appendix to this notice.

Amendments to Final Determinations

With respect to the *Turkey Final Determination,* Commerce reviewed the record and agrees that the error identified by the petitioner with respect to the placement of the revised programming language constitutes a ministerial error within the meaning of section 735(e) of the Act and 19 CFR 351.224(f).[7] Therefore, pursuant to 19 CFR 351.224(e), Commerce is amending the *Turkey Final Determination* to reflect the correction of this ministerial error in the calculation of the final margin assigned to Habas, which changes from 4.74 percent to 4.93 percent.[8] In addition, because the ''all-others'' rate is based on the margins for Habas and the other mandatory respondent, Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas),[9] we are revising the ''all-others'' rate, which changes from 6.34 percent *ad valorem* to 6.44 percent *ad valorem,* consistent with section 735(c)(5)(A) of the Act, as stated in the *Turkey Final Determination.*[10]

With respect to the *Spain Final Determination,* Commerce reviewed the record and agrees that the errors identified by CELSA constitute ministerial errors within the meaning of section 735(e) of the Act and 19 CFR 351.224(f) and that it unintentionally incorrectly defined CELSA's U.S. destination codes in the final margin calculation program.[11] Commerce also finds that it unintentionally failed to deduct one of CELSA's CEP expenses in the final margin calculation program.[12]

Therefore, pursuant to 19 CFR 351.224(e), Commerce is amending the *Spain Final Determination* to reflect the correction of ministerial errors made in the margin calculation for CELSA, which changes the final margin from 11.08 percent to 10.11 percent. In addition, because the ''all-others'' rate in the *Spain Final Determination* was based on the estimated weighted-average dumping margin calculated for CELSA,[13] Commerce, consistent with section 735(c)(5)(A) of the Act, is also amending the ''all-others'' rate, which changes from 11.08 percent *ad valorem* to 10.11 percent *ad valorem,* as stated in the *Spain Final Determination.*

Antidumping Duty Orders

In accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reason of imports of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom.[14] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing these antidumping duty orders. Because the ITC determined that imports of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom are materially injuring a U.S. industry, unliquidated entries of such merchandise from Italy, Korea, Spain, Turkey, and the United Kingdom, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom. Antidumping duties will be assessed on unliquidated entries of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the *Preliminary Determinations.*[15]

Estimated Weighted-Average Dumping Margins

The estimated weighted-average antidumping duty margin percentages and cash deposit rates are as follows:

Exporter/producer	Weighted-average dumping margins
Italy:	
Ferriere Nord S.p.A./Acciaierie di Verona S.p.A[16]	12.41
Ferriera Valsider S.p.A	18.89
All-Others	12.41
Korea:	
POSCO	41.10

[5] *See* CELSA's Letter, ''Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod From Spain: Ministerial Errors Contained in the Final Determination,'' dated April 3, 2018.

[6] *See* Letter from the ITC to the Honorable Gary Taverman, May 11, 2018 (Notification of ITC Final Determinations); *see also Carbon and Certain Alloy Steel Wire Rod From Italy, Korea, Spain, Turkey, and the United Kingdom,* Investigation Nos. 701–TA–573–574 and 731–TA–1350, 1351, 1354, 1355, and 1358 (Final) (May 2018).

[7] *See* Memorandum, ''Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod From Turkey: Allegation of Ministerial Error Memorandum for the Amended Final Determination,'' dated May 16, 2018.

[8] *Id.* at 3–4.

[9] Icdas' final margin remains unchanged; *see Turkey Final Determination,* 83 FR at 13250.

[10] *See* Memorandum, ''Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod From Turkey: Calculation of All-Others' Rate in Amended Final Determination,'' dated May 16, 2018.

[11] *See* Memorandum, ''Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod From Spain: Ministerial Error Memorandum,'' dated May 15, 2018.

[12] *Id.*

[13] *See Spain Final Determination.*

[14] *See* Notification of ITC Final Determinations.

[15] *See Carbon and Alloy Steel Wire Rod from Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 50381 (October 31, 2017); *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances,* 82 FR 50386 (October 31, 2017); *Carbon and Alloy Steel Wire Rod from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Determination of Critical Circumstances, in Part,* 82 FR 50389 (October 31, 2017); *Carbon and Alloy Steel Wire Rod from Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances,* 82 FR 50377 (October 31, 2017); *Carbon and Alloy Steel Wire Rod from the United Kingdom: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances,* 82 FR 50394 (October 31, 2017) (collectively, *Preliminary Determinations*).

Exporter/producer		
All-Others	41.10	
Spain:		
Global Steel Wire S.A./CELSA Atlantic S.A./Compañía Española de Laminación	10.11	
ArcelorMittal Espana S.A	32.64	
All-Others	10.11	
	Weighted-average dumping margins (percent)	Cash-deposit rate (adjusted for export subsidies) (percent)
Turkey:		
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S	4.93	1.05
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S	7.94	4.15
All-Others	6.44	2.59
	Weighted-average dumping margins	
United Kingdom:		
British Steel Limited	147.63	
Longs Steel UK Limited	147.63	
All-Others	147.63	

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation of all relevant entries of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom, effective the date of publication of the ITC's notice of final determinations in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the amounts as indicated below, which are adjusted for certain countervailable export subsidies, where appropriate. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit equal to the weighted-average dumping margins, adjusted for countervailable export subsidies, where appropriate, listed below.[17] The relevant ''all-others'' rates apply to all producers or exporters not specifically listed below.

Provisional Measures

Section 733(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom, Commerce extended the four-month period to six months in each case.[18] Commerce published the *Preliminary Determinations* for all five underlying investigations on October 31, 2017. Therefore, the extended period, beginning on the date of publication of the *Preliminary Determinations,* ended on April 28, 2018. Furthermore, section 737(b) of the Act states that the collection of final, estimated cash deposits will begin on the date of publication of the ITC's final injury determinations.

Therefore, in accordance with section 733(d) of the Act and our practice, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom entered, or withdrawn from warehouse, for consumption after April 28, 2018, the final day on which the provisional measures were in effect in these proceedings, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Critical Circumstances

The ITC notified Commerce of its determinations that critical circumstances do not exist with respect to imports of wire rod from Spain and the United Kingdom subject to Commerce's critical circumstances finding.[19] With regard to the ITC's negative critical circumstances determinations on imports of subject merchandise from Spain and the United Kingdom, Commerce will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 2, 2017 (*i.e.,* 90 days prior to the date of publication of the *Preliminary Determinations*), but before October 31, 2017, (*i.e.,* the date of publication of the *Preliminary Determinations*).

Notification to Interested Parties

This notice constitutes the antidumping orders with respect to wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom, pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

[16] Ferriere Nord S.p.A. and Acciaierie di Verona S.p.A. were treated as a single entity for the final determination.

[17] *See* section 736(a)(3) of the Act.

[18] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, Turkey, and the United Kingdom: Postponement of Final Determinations of Less-Than-Fair-Value Investigation and Extension of Provisional Measures,* 82 FR 51613 (November 7, 2017).

[19] Notification of ITC Final Determinations.

These amended final determinations and orders are issued and published in accordance with sections 735(e) and 736(a) of the Act and 19 CFR 351.211(b) and 351.224(e) and (f).

Dated: May 16, 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

Scope of the Orders

The products covered by these orders are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under these orders are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these proceedings is dispositive.

[FR Doc. 2018–10879 Filed 5–18–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–837; C–489–832]

Carbon and Alloy Steel Wire Rod From Italy and the Republic of Turkey: Amended Final Affirmative Countervailing Duty Determination for the Republic of Turkey and Countervailing Duty Orders for Italy and the Republic of Turkey

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing the countervailing duty (CVD) orders on carbon and alloy steel wire rod (wire rod) from Italy and the Republic of Turkey (Turkey). Also, as explained in this notice, Commerce is amending its final affirmative determination with respect to Turkey to correct the rates assigned to Habas Sinai Ve Tibbi Gazlar Istih (Habas) and All-Others.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas at (202) 482–3813 (Italy), Justin Neuman at (202) 482–0486 (Turkey), or Omar Qureshi at (202) 482–5307 (Turkey), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(a), 705(d), and 777(i) of the Tariff Act of 1930, as amended (Act), and 19 CFR 351.210(c), on March 28, 2018, Commerce published its affirmative final determinations that countervailable subsidies are being provided to producers and exporters of wire rod from Italy and Turkey.[1]

On March 27, 2018, Ferriere Nord S.p.A. alleged that Commerce made ministerial errors in the *Wire Rod from Italy Final Determination* with regard to Commerce's calculation of the final *ad valorem* subsidy rate pertaining to Ferriere Nord S.p.A.[2] One of the petitioners, Nucor Corporation (Nucor), filed rebuttal comments regarding Ferriere Nord S.p.A.'s allegation on April 2, 2018.[3]

Also on March 27, 2018, Nucor alleged that Commerce made a ministerial error in the *Wire Rod from Turkey Final Determination*.[4] In addition, on that same date, the Government of Turkey (GOT) alleged that Commerce made a ministerial error in the *Wire Rod from Turkey Final Determination*.[5] Nucor filed rebuttal comments regarding the GOT's allegation on April 2, 2018.[6]

We reviewed the allegations and determined that we did not make ministerial errors, within the meaning of section 705(e) of the Act and 19 CFR 351.224(f), with respect to the *Wire Rod from Italy Final Determination;* however, we did make a ministerial error in the *Wire Rod from Turkey Final Determination. See* ''Amendment to the Final Determination'' section below for further discussion.

On May 11, 2018, the ITC notified Commerce of its affirmative determination that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) and 705(d) of the Act, by reason of subsidized imports of subject merchandise from Italy and Turkey, and its determination that critical circumstances do not exist with respect to imports of wire rod from Turkey that are subject to Commerce's affirmative critical circumstances finding.[7]

[1] *See Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy: Final Affirmative Determination,* 83 FR 13242 (March 28, 2018) (*Wire Rod from Italy Final Determination*) and the accompanying Issues and Decision Memorandum; *Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Final Affirmative Countervailing Duty Determination, and Final Affirmative Critical Circumstances Determination, in Part,* 83 FR 13239 (March 28, 2018) (*Wire Rod from Turkey Final Determination*) and the accompanying Issues and Decision Memorandum.

[2] *See* Letter from Ferriere Nord, S.p.A., ''Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy: Ferriere Nord Request to Correct Ministerial Errors in the Final Determination,'' dated March 27, 2018.

[3] *See* Letter from Nucor, ''Carbon and Alloy Steel Wire Rod from the Republic of Italy: Rebuttal Ministerial Error Comments,'' dated April 2, 2018.

[4] *See* Letter from Nucor, ''Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Ministerial Error Allegation,'' dated March 27, 2018 (Nucor Ministerial Error Allegation).

[5] *See* Letter from the GOT, ''Request of Government of Turkey for Correction of Ministerial Error on Final Determination in CVD Proceeding on Carbon and Alloy Steel Wire Rod from the Republic of Turkey,'' dated March 27, 2018 (GOT Ministerial Error Allegation).

[6] *See* Letter from Nucor, ''Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Rebuttal Ministerial Error Comments,'' dated April 2, 2018 (Nucor Rebuttal Comments).

[7] *See* Letters to Gary Taverman, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding carbon and alloy steel wire rod from Italy and the Republic of Turkey (May 11, 2018) (ITC Letter).

Scope of the Orders

The scope of these orders covers wire rod from Italy and Turkey. For a complete description of the scope, *see* the Appendix to this notice.

Amendment to the Final Determination

With respect to the *Wire Rod from Italy Final Determination,* we analyzed Ferriere Nord S.p.A.'s submission and disagree that Commerce made ministerial errors regarding the benefit calculation of the Energy Interruptibility Contracts program.[8]

With respect to the *Wire Rod from Turkey Final Determination,* we analyzed Nucor's submission and agree that Commerce made a ministerial error regarding the deduction of expenses from loans received by respondent Habas Sinai ve Tibbi Galzlar Istihsal Endustrisi A.S. (Habas). However, we do not agree that the error alleged by the GOT constitutes a ministerial error. Pursuant to 19 CFR 351.224(e), Commerce is amending the *Wire Rod from Turkey Final Determination* to reflect the correction of the ministerial error described above. The correction of this ministerial error increased Habas' subsidy rate from 3.86 percent *ad valorem* to 3.88 percent *ad valorem.*[9] Because the ''all-others'' rate is based, in part, on Habas' *ad valorem* subsidy rate, the correction noted above also increases the ''all-others'' rate determined in the *Wire Rod from Turkey Final Determination* from 3.84 percent *ad valorem* to 3.85 percent *ad valorem.*[10]

Countervailing Duty Orders

On May 11, 2018, in accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reason of imports of wire rod from Italy and Turkey.[11] Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing these countervailing duty orders. Because the ITC determined that imports of wire rod from Italy and Turkey are materially injuring a U.S. industry, unliquidated entries of such merchandise from Italy and Turkey, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties for all relevant entries of wire rod from Italy and Turkey. Countervailing duties will be assessed on unliquidated entries of wire rod from Italy and Turkey entered, or withdrawn from warehouse, for consumption on or after September 5, 2017, the date of publication of the *Preliminary Determinations,*[12] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Amended Cash Deposits and Suspension of Liquidation

In accordance with section 706 of the Act, we will instruct CBP to suspend liquidation on all relevant entries of wire rod from Italy and Turkey, as further described below. These instructions suspending liquidation will remain in effect until further notice. Commerce will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the subsidy rates listed below.[13] The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

WIRE ROD FROM ITALY

Company	Subsidy rate (%)
Ferriere Nord S.p.A[14]	4.16
Ferriera Valsider S.p.A	44.18
All-Others	4.16

WIRE ROD FROM TURKEY

Company	Subsidy rate (%)
Habas Sinai Ve Tibbi Gazlar Istih (Habas)	3.88
Icdas Celik Eberji Tersane Ve Ulasim San (Icdas)	3.81
All-Others	3.85

Provisional Measures

Section 703(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigations, Commerce published the *Preliminary Determinations* on September 5, 2017. As such, the four-month period beginning on the date of the publication of the *Preliminary Determinations* ended on January 3, 2018. Furthermore, section 707(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination. Therefore, in accordance with section 703(d) of the Act and our practice, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of wire rod from Italy and Turkey entered, or withdrawn from warehouse, for consumption, on or after January 3, 2018, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Critical Circumstances

The ITC notified Commerce of its determination that critical circumstances do not exist with respect to imports of wire rod from Turkey subject to Commerce's critical circumstances finding.[15] With regard to the ITC's negative critical circumstances determination on imports of wire rod steel from Turkey, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of the

[8] *See* Memorandum, ''Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy: Allegations of Ministerial Errors in the Final Determination with Regards to Ferriere Nord S.p.A.,'' dated May 7, 2018.

[9] *See* Memorandum, ''Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Amended Final Determination of Countervailing Duty Investigation Pursuant to Ministerial Error Allegation,'' dated May 3, 2018.

[10] *Id.*

[11] *See* ITC Letter.

[12] *See Carbon and Alloy Steel Wire Rod from Italy: Preliminary Affirmative Countervailing Duty Determination,* 82 FR 41931 (September 5, 2017) (*Italy Wire Rod Preliminary Determination*) and the accompanying Preliminary Decision Memorandum; *see also Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical Circumstances Determination, in Part.,* 82 FR 41929 (September 5, 2017) (*Turkey Wire Rod Preliminary Determination*) and the accompanying Preliminary Decision Memorandum (collectively, *Preliminary Determinations*).

[13] *See* section 706(a)(3) of the Act.

[14] Commerce has found the following companies to be cross-owned with Ferriere Nord S.p.A: FIN FER S.p.A., Acciaierie di Verona S.p.A., and SIAT S.p.A. *See Wire Rod From Italy Final Determination* (unchanged from *Italy Wire Rod Preliminary Determination* and the accompanying Preliminary Decision Memorandum at 6).

[15] *See* ITC Letter.

subject merchandise entered, or withdrawn from warehouse for consumption on or after June 7, 2017 (*i.e.,* 90 days prior to the date of the publication of the *Turkey Wire Rod Preliminary Determination*), but before September 5, 2017 (*i.e.,* the date of publication of the *Turkey Wire Rod Preliminary Determination*).

Notifications to Interested Parties

This notice constitutes the countervailing duty orders with respect to wire rod from Italy and Turkey pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: May 16, 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

Scope of the Orders

The products covered by these orders are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under these orders are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these proceedings is dispositive.

[FR Doc. 2018–10880 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–880]

Polytetrafluoroethylene Resin From India: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of polytetrafluoroethylene resin (PTFE resin) from India. The period of investigation is April 1, 2016, through March 31, 2017.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Toby Vandall, Emily Halle, or Aimee Phelan, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1664, (202) 482–0176, or (202) 482–0697, respectively.

SUPPLEMENTARY INFORMATION:

Background

This final determination is made in accordance with section 705 of the Tariff Act of 1930, as amended (the Act). Commerce published the *Preliminary Determination* of this investigation on March 8, 2018.[1] For a complete description of the events that followed the publication of the *Preliminary Determination, see* the Issues and Decision Memorandum issued concurrently with this notice.[2] A list of topics discussed in the Issues and Decision Memorandum is included as Appendix II to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is PTFE resin from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the Preliminary Scope Decision Memorandum,[3] Commerce provided parties an opportunity to provide comments on all issues regarding product coverage, (*i.e.,* scope). Although certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice,*[4] we preliminarily made no modifications to the scope of the investigation.[5] No parties commented on our Preliminary Scope Decision Memorandum. As a result, in this final determination, we are adopting the preliminary decision not to modify the scope language.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs submitted by the parties, are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix II.

[1] *See Polytetrafluoroethylene Resin from India: Preliminary Affirmative Countervailing Duty Determination,* 83 FR 9842 (March 8, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Polytetrafluoroethylene Resin from India,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Polytetrafluoroethylene Resin from India and the People's Republic of China: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated February 28, 2018 (Preliminary Scope Decision Memorandum).

[4] *See Polytetrafluoroethylene Resin from India: Initiation of Countervailing Duty Investigation,* 82 FR 49592 (October 26, 2017) (*Initiation Notice*).

[5] *See* Preliminary Scope Decision Memorandum.

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

In making these findings, we relied, in part, on facts available and, because the government of India did not act to the best of its ability to respond to our requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, and minor corrections presented at verification, we made certain changes to the respondent's sales figures and subsidy rate calculations since the *Preliminary Determination.* For a discussion of these changes, *see* the Issues and Decision Memorandum and the Final Calculation Memorandum.[8]

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Commerce calculated an individual estimated countervailable subsidy rate for Gujarat Fluorochemicals Limited (GFL),[9] the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis,* or based entirely on facts otherwise available, the countervailable subsidy rate calculated for GFL is the rate assigned to all-other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

Commerce determines that the following countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Gujarat Fluorochemicals Limited (GFL)	3.60
All-Others	3.60

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of its public announcement of our final determination in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 703(d) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of PTFE resin from India as described in Appendix I to this notice, that were entered, or withdrawn from warehouse, for consumption, on or after March 8, 2018, the date of publication of the *Preliminary Determination* in the **Federal Register**. Furthermore, we will instruct CBP to require a cash deposit for such entries of merchandise at the rates shown above, pursuant to section 705(c)(1)(B)(ii) of the Act.

U.S. International Trade Commission (ITC) Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our final affirmative countervailing duty (CVD) determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination regarding whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PTFE resin from India no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn for warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

In the event the ITC issues a final negative injury determination, this notice serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: May 14, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is polytetrafluoroethylene (PTFE) resin, including but not limited to granular, dispersion, or coagulated dispersion (also known as fine powder). PTFE is covered by the scope of this investigation whether filled or unfilled, whether or not modified, and whether or not containing co-polymer additives, pigments, or other materials. Also included is PTFE wet raw polymer. The chemical formula for PTFE is C2F4, and the Chemical Abstracts Service Registry number is 9002–84–0.

PTFE further processed into micropowder, having particle size typically ranging from 1 to 25 microns, and a melt-flow rate no less than 0.1 gram/10 minutes, is excluded from the scope of this investigation.

PTFE is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 3904.61.0010 and 3904.61.0090. Subject merchandise may also be classified under HTSUS subheading 3904.69.5000. Although the HTSUS subheadings and CAS Number are provided for convenience and Customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background

[7] *See* sections 776(a) and (b) of the Act.

[8] *See* Memorandum, ''Final Determination Calculations for Gujarat Fluorochemicals Limited,'' dated concurrently with this notice (Final Calculation Memorandum).

[9] As discussed in the *Preliminary Determination, see* Preliminary Decision Memorandum at 5–6, Commerce found Inox Leasing and Finance Limited to be cross-owned with GFL within the meaning of 19 CFR 351.525(b)(6)(iii). No parties commented on this preliminary finding. Accordingly, our finding of cross-ownership remains unchanged for this final determination.

III. Scope Comments
IV. Scope of the Investigation
V. Subsidies Valuation
VI. Benchmarks and Discount Rates
VII. Use of Facts Otherwise Available and Adverse Inferences
VIII. Analysis of Programs
IX. Discussion of the Issues
Comment 1: Whether Commerce is Conducting this Investigation in Accordance with its Obligations
Comment 2: Commerce's Application of AFA for the GOI's Failure to Provide Requested Information
Comment 3: Whether Commerce Should Use GFL's Corrections Presented at Verification
Comment 4: Whether EPCGS Continues to Confer a Countervailable Benefit
Comment 5: Whether the GOI Maintains a Reasonable or Effective Input Verification System for AAP
Comment 6: Whether GFL Has a Reliable AAP Database
Comment 7: Whether Commerce's Decision to find SHIS Countervailable is in Accordance with its Statutory Obligations
Comment 8: Whether Commerce Should Use GFL's Minor Correction to the Electricity Duty Exemption for Wind Power
Comment 9: Whether GFL Received a Countervailable Benefit from SGOG Preferential Water Rates
Comment 10: Countervailability of Renewable Energy Certificates
Comment 11: Whether a Tier-One Benchmark is Appropriate for SGOG Provision of Land for LTAR
Comment 12: Whether MEIS is Tied to Non-Subject Merchandise
Comment 13: Whether GFL Received a Benefit from Income Tax Exemption (80–IA) and Section 32AC (32AC) of the Income Tax Act
X. Conclusion

[FR Doc. 2018–10780 Filed 5–18–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber Products From Canada: Partial Rescission of Expedited Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is partially rescinding the expedited review of the countervailing duty order (CVD) on certain softwood lumber products (softwood lumber) from Canada for the period January 1, 2015, through December 31, 2015.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published the CVD order on softwood lumber from Canada.[1] Subsequently, Commerce received requests for an expedited review from 34 companies. In accordance with 19 CFR 351.214(k), Commerce initiated an expedited review of the CVD order on softwood lumber from Canada for those companies that requested a review and published the *Initiation Notice* on March 8, 2018.[2]

Between March 2 and May 7, 2018, Commerce received letters from 25 companies withdrawing their requests for an expedited review.[3] For a listing of the companies that withdrew their expedited review requests, *see* Attachment to this notice.

Partial Rescission of the Expedited Review

Pursuant to 19 CFR 351.214(f)(1), Commerce will rescind the expedited review for any company that withdraws its request for an expedited review within 60 days after the date of publication of the notice of initiation. The *Initiation Notice* for this expedited review was published on March 8, 2018.[4] The withdrawals of review requests were timely filed within the 60-day deadline. Therefore, in accordance with 19 CFR 351.214(f)(1), we are rescinding the expedited review of the CVD order on softwood lumber from Canada with respect to the 25 companies listed in the Attachment. The expedited review will continue with respect to all other firms for which a review was initiated.

Notification Regarding Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with 19 CFR 351.214(f)(3) and 351.214(k)(3).

Dated: May 15, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Attachment

Below is the list of companies that withdrew their requests for an expedited review of the countervailing duty order on softwood lumber from Canada.

(1) Olympic Industries, Inc.
(2) Hainesville Sawmill Ltd.
(3) Ivor Forest Products Ltd.
(4) Haida Forest Products Ltd.
(5) Maibec Inc.
(6) Canadian Bavarian Millwork and Lumber
(7) Cedarline Industries Ltd.
(8) Deep Cove Forest Products Inc.
(9) Aquila Cedar Products Ltd.
(10) Delco Forest Products Ltd.
(11) Devon Lumber Co. Ltd.
(12) H.J. Crabbe & Sons Ltd.
(13) Marwood Ltd.
(14) MP Atlantic Wood Ltd.
(15) 752615 B.C. Ltd., Fraserview Remanufacturing Inc., Gillwood Lumber, dba Fraserview Cedar Products
(16) Matériaux Blanchet Inc.
(17) Central Cedar Ltd.
(18) Leslie Forest Products Ltd.
(19) Rielly Lumber Inc.
(20) Antrim Cedar Corporation
(21) Chaleur Sawmills LP
(22) North Enderby Timber Ltd.
(23) Pacific Lumber Remanufacturing Inc.
(24) Power Wood Corp.
(25) Canyon Lumber Company Ltd.

[FR Doc. 2018–10779 Filed 5–18–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–983]

Drawn Stainless Steel Sinks From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

[1] *See Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 83 FR 347 (January 3, 2018).

[2] *See Certain Softwood Lumber Products from Canada: Initiation of Expedited Review of the Countervailing Duty Order,* 83 FR 9833 (March 8, 2018) (*Initiation Notice*).

[3] The withdrawal of expedited review request letters are available *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available at *http://access.trade.gov.*

[4] *See Initiation Notice.*

SUMMARY: The Department of Commerce (Commerce) finds that certain companies covered by this administrative review made sales of drawn stainless steel sinks (drawn sinks) from the People's Republic of China (China) at less than normal value.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Rebecca Janz or Ajay Menon, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2972 and (202) 482–1993, respectively.

SUPPLEMENTARY INFORMATION:

Background

The final results of this administrative review cover two mandatory respondents, Feidong Import and Export Co., Ltd. (Feidong), and Foshan Zhaoshun Trade Co., Ltd (Zhaoshun). We continue to determine that neither mandatory respondent qualifies for a separate rate, and, therefore, both are considered part of the China-wide entity. Additionally, we continue to include two companies that failed to demonstrate their entitlement to a separate rate (*i.e.,* Jiangmen Hongmao Trading Co., Ltd. (Hongmao) and Yuyao Afa Kitchenware Co., Ltd. (Yuyao)) as part of the China-wide entity. We also continue to grant separate rates to the following companies which were not selected for individual examination: Jiangmen New Star Hi-Tech Enterprise Ltd. (New Star); KaiPing Dawn Plumbing Products, Inc. (KaiPing); Guangdong New Shichu Import and Export Company Limited (New Shichu); and Ningbo Afa Kitchen and Bath Co., Ltd. (Ningbo Afa). Finally, we continue find that B&R Industries Limited (B&R); Xinhe Stainless Steel Products Co., Ltd. (Xinhe); Zhongshan Superte Kitchenware Co., Ltd. (Superte); and Zhuhai KOHLER Kitchen & Bathroom Products Co., Ltd. (Zhuhai KOHLER) made no shipments of subject merchandise during the period of review (POR) April 1, 2016, through March 31, 2017.

On January 5, 2018, Commerce published the *Preliminary Results*.[1] For events occurring after the *Preliminary Results, see* the Issues and Decision Memorandum.[2] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now May 8, 2018.[3]

Scope of the Order

The products covered by the order include drawn stainless steel sinks. Imports of subject merchandise are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7324.10.0000 and 7324.10.0010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[4]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://trade.gov/enforcement.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made no changes to our *Preliminary Results.*

Final Determination of No Shipments

In the *Preliminary Results,* Commerce preliminarily determined that B&R, Xinhe, Superte, and Zhuhai KOHLER had no shipments of subject merchandise during the POR.[5] We received no comments since the issuance of the *Preliminary Results* on this issue. Thus, we continue to determine that B&R, Xinhe, Superte, and Zhuhai KOHLER had no shipments of subject merchandise during the POR, and we intend to issue appropriate instructions to U.S. Customs and Border Protection (CBP) that are consistent with our ''automatic assessment'' clarification for these final results of review.[6]

Separate Rate Respondents

In the *Preliminary Results,* we found that evidence provided by KaiPing, New Shichu, New Star, and Ningbo Afa supported finding an absence of both *de jure* and *de facto* government control; therefore, we preliminarily granted a separate rate to each of these companies.[7] We received no comments since the issuance of the *Preliminary Results* on this issue with respect to these companies. Therefore, Commerce continues to find that KaiPing, New Shichu, New Star, and Ningbo Afa meet the criteria for a separate rate.

With respect to Hongmao, Yuyao, and Zhaoshun, we preliminarily determined that these companies failed to establish their entitlement to a separate rate.[8] We received no comments since the issuance of the *Preliminary Results* on this issue with respect to these companies. Therefore, Commerce continues to find that Hongmao, Yuyao, and Zhaoshun are not eligible for a separate rate and are part of the China-wide entity.

With respect to Feidong, we preliminarily determined that Feidong failed to demonstrate an absence of *de facto* government control, and, thus, Commerce did not grant Feidong a separate rate.[9] For these final results, we continue to find that Feidong failed to demonstrate an absence of *de facto* government control based on record evidence. Accordingly, we continue to

[1] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017,* 83 FR 658 (January 5, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China,'' issued concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

[3] *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 three days.

[4] For a complete description of the Scope of the Order, *see* Issues and Decision Memorandum.

[5] *See Preliminary Results,* 83 FR at 658.

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011); *see also* ''Assessment Rates'' section of this notice.

[7] *See Preliminary Results,* 83 FR at 658–659.

[8] *Id.*

[9] *Id.* at 659.

find that Feidong is not eligible for a separate rate and is part of the China-wide entity. For further discussion of this issue, *see* the accompanying Issues and Decision Memorandum.

Rate for Non-Examined Separate Rate Respondents

In the *Preliminary Results,* consistent with our recent practice, we preliminarily assigned the non-selected companies a weighted-average dumping margin of 1.78 percent (*i.e.,* the most recently assigned separate rate in this proceeding) [10] because we did not calculate any individual rates or assign a rate based on facts available during this review.[11] No parties commented on the methodology for calculating this separate rate. Therefore, in these final results of the review, we continue to assign a rate of 1.78 percent for those companies that were not individually examined and are eligible for a separate rate. These companies, KaiPing, New Shichu, New Star, and Ningbo Afa, are also listed below in the section entitled ''Final Results of the Review.''

Final Results of the Review

In the *Preliminary Results,* Commerce preliminarily found that Feidong, Hongmao, Yuyao, and Zhaoshun were not eligible for a separate rate, and therefore, were part of China-wide entity, subject to the China-wide entity rate of 76.45 percent.[12] Because the status of these companies has not changed since the *Preliminary Results,* we continue to find that they are ineligible for a separate rate and are part of the China-wide entity. Because no party requested a review of the China-wide entity and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews,[13] we did not conduct a review of the China-wide entity. Thus, the rate for the China-wide entity is not subject to change as a result of this review.

Final Results of the Review

We continue to determine that the following weighted-average dumping margins exist for the period April 1, 2016, through March 31, 2017:

Exporter	Weighted-average dumping margin (percent)
Guangong New Shichu Import and Export Company Limited	1.78
KaiPing Dawn Plumbing Products, Inc	1.78
Jiangmen New Star Hi-Tech Enterprise Ltd	1.78
Ningbo Afa Kitchen and Bath Co., Ltd	1.78

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

For the above-listed respondents which were not selected for individual examination in this administrative review and qualified for a separate rate, we will instruct CBP to assess dumping duties at the rate of 1.78 percent.

For Feidong, Hongmao, Yuyao, and Zhaoshun, because Commerce determined that these companies did not qualify for a separate rate, we will instruct CBP to assess dumping duties on all entries of subject merchandise during the POR which were produced and/or exported by these companies at a rate of 76.45 percent.

For B&R, Superte, Xinhe, and Zhuhai KOHLER, because Commerce determined that these companies had no shipments of the subject merchandise during the POR, any suspended entries of subject merchandise from these companies will be liquidated at China-wide rate.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review; (2) for previously investigated or reviewed China and non-China exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for China-wide entity, which is 76.45 percent; and (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is published in accordance with sections 751(a)(l) and 777(i)(l) of the Act.

[10] *See Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016,* 82 FR 28639, 28640 (June 23, 2017).

[11] *See, e.g., Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 81 FR 62717 (September 12, 2016), and accompanying Preliminary Decision Memorandum at 10–11, *unchanged in Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 11431 (February 23, 2017).

[12] *See Preliminary Results,* and accompanying PDM, at 8–11.

[13] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013).

[14] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Dated: May 8, 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 Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
Comment 1. Feidong's Separate Rate Status
V. Recommendation

[FR Doc. 2018–10697 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Deep Seabed Mining Exploration Licenses.

OMB Control Number: 0648–0145.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection)

Number of Respondents: One.

Average Hours per Response: Annual reports, 40 hours; extension applications, 100 hours (every five years, annualized to 20 hours).

Burden Hours: 60.

Needs and Uses: This request is for extension of a currently approved information collection.

NOAA's regulations at 15 CFR 970 govern the issuing and monitoring of exploration licenses under the Deep Seabed Hard Mineral Resources Act. Any persons seeking a license must submit certain information that allows NOAA to ensure the applicant meets the standards of the Act. Persons with licenses are required to conduct monitoring and make reports, and they may request revisions, transfers, or extensions of licenses.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and every five years.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: May 16, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–10747 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Marine Debris Program Performance Progress Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 20, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Tom Barry at 240–533–0425 or *tom.barry@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of an existing information collection.

The NOAA Marine Debris Program (MDP) supports national and international efforts to research, prevent, and reduce the impacts of marine debris. The MDP is a centralized office within NOAA that coordinates and supports activities, both within the bureau and with other federal agencies, which address marine debris and its impacts. In addition to inter-agency coordination, the MDP uses partnerships with state and local agencies, tribes, non-governmental organizations, academia, and industry to investigate and solve the problems that stem from marine debris through research, prevention, and reduction activities, in order to protect and conserve our nation's marine environment and ensure navigation safety.

The Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*) as amended by the Marine Debris Act Amendments of 2012 (Pub. L. 112–213, Title VI, Sec. 603, 126 Stat. 1576, December 20, 2012) outlines three central program components for the MDP to undertake: (1) Mapping, identification, impact assessment, removal, and prevention; (2) reducing and preventing fishing gear loss; and (3) outreach to stakeholders and the general public. To address these components, the Marine Debris Act authorized the MDP to establish several competitive grant programs on marine debris research, prevention and removal that provide federal funding to non-federal applicants throughout the coastal United States and territories.

The terms and conditions of the financial assistance awarded through these grant programs require regular progress reporting and communication of project accomplishments to MDP. Progress reports contain information related to, among other things, the overall short and long-term goals of the project, project methods and monitoring techniques, actual accomplishments (such as pounds of debris removed from an ecosystem, numbers of volunteers participating in a cleanup project, etc.), status of approved activities, challenges or potential roadblocks to future progress, and lessons learned. This information collection enables MDP to monitor and evaluate the activities supported by federal funds to ensure accountability to the public and to ensure that funds are used consistent with the purpose for which they were appropriated. It also ensures that reported information is standardized in such a way that allows for it to be meaningfully synthesized across a diverse set of projects and project types. MDP uses the information collected in a variety of ways to communicate with federal and non-federal partners and stakeholders on individual project and general program accomplishments.

The MDP operates within the Office of Response and Restoration as part of NOAA's National Ocean Service.

II. Method of Collection

Respondents to this collection may choose to submit electronically or in paper format.

III. Data

OMB Control Number: 0648–0718.
Form Number(s): None.
Type of Review: Regular submission (extension of an existing information collection).
Affected Public: Business or other for-profit organizations, not-for-profit institutions, state, local or tribal government.
Estimated Number of Respondents: 70.
Estimated Time per Response: 10 hours (semi-annually).
Estimated Total Annual Burden Hours: 1,400.
Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 16, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–10748 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).
Title: Preliminary Case Study Assessing Economic Benefits of Marine Debris Reduction.
OMB Control Number: 0648–0756.
Form Number(s): None.
Type of Request: Regular (revision of a currently approved information collection).
Number of Respondents: 1,600.
Average Hours per Response: On-site intercept, 2 minutes; full survey, 10 minutes.
Burden Hours: 729.
Needs and Uses: This request is for revision of a currently approved information collection. A pretest was conducted at one site, and the survey is now being extended to 4 sites.

The National Ocean Service, Office of Response and Restoration, Marine Debris Program is sponsoring this data collection. The Marine Debris Program was created under the 2006 ''Marine Debris Research, Prevention, and Reduction Act'' (33 U.S.C. 1951 *et seq.*) which was reauthorized in 2012 as the ''Marine Debris Act Amendments of 2012'' (H.R. 1171) as part of the Coast Guard Maritime Transportation Act (H.R. 2838). Among other activities, the bill requires NOAA ''. . . to address the adverse impacts of marine debris on the United States economy . . .'' To that aim, the proposed data collection will support the goals of a larger study whose purpose is to develop a regional economic model to estimate the value to local economies of increased spending on recreation and tourism from the reduction or elimination of marine debris on beaches in seven coastal communities of the continental U.S. The data collection will consist of on-site sampling to generate a pool of respondents who will be sent a mail survey that asks questions related to beach attributes, local beach familiarity, number of beach trips taken, and ratings of marine debris encountered while on these trips. Onsite sampling will involve intercepting people at several beaches in each study area and asking them to participate in a mail survey. For those willing to take the mail survey, a brief onsite interview will ask the respondent's name and mailing address, as well as several demographic questions such as age and education. Those who do not agree to participate in the mail survey will only be asked the demographic questions, whether they participated in a single or multi-day trip, and zip code. A mail-survey mode will be used for the follow-up questionnaire. The mail survey instrument will combine a selection of questions from a previously OMB-approved survey instrument used in Orange County, California with new contingent behavior questions developed specifically for this study to determine the impact of the presence of marine debris on respondents' recreation choices. This data collection will determine the impact of marine debris on survey respondents' recreation choices at these seven coastal communities and represents the first component to be undertaken as part of the larger study.

Affected Public: Individuals or households.
Frequency: One time.
Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: May 16, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–10746 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection; 0651–0080: Qualitative Feedback on Agency Service Delivery.

DATES: Written comments must be submitted on or before July 20, 2018.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0080: Generic Clearance comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

• *Mail:* Marcie Lovett, Director, Records and Information Governance Division, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Marcie Lovett, Director, Records and Information Governance Division, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8123; or by email to *informationcollection@uspto.gov* with ''Paperwork'' in the subject line.

Additional information about this collection can be found at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 12862 (*http://www.archives.gov/federal-register/executive-orders/pdf/12862.pdf*) directs Federal agencies to provide services to the public that matches or exceeds the best services available in the private sector. In order to work continuously to ensure that its programs are effective and meet its customers' needs, the United States Patent and Trademark Office (hereafter ''USPTO'' or ''the Agency'') proposes the following generic clearance to collect qualitative feedback on its service delivery. Qualitative feedback refers to information that provides useful insights on perceptions and opinions, but is not in the form of statistical surveys which yield quantitative results that can be generalized to the population of study.

Collecting feedback will allow for the Agency to have a pulse on customer satisfaction and adjust where necessary to meet and exceed expectations. This feedback collection will provide for ongoing, collaborative, and actionable communication between the Agency and its customers and stakeholders. It also will enable the Agency to garner customer and stakeholder feedback in an efficient and timely manner, in accordance with the USPTO's commitment to improving services. The information collected from Agency customers and stakeholders will help ensure users have an opportunity to convey their experience with USPTO programs. This collection will also provide insights into customer or stakeholder perceptions, experiences, and expectations, which will allow the Agency to focus attention on areas where communication, training, or changes in operations may be necessary.

Improving Agency programs requires ongoing assessment. The Agency will collect, analyze, and interpret information gathered to identify strengths and weaknesses of current services. Based on feedback received, the Agency will identify operational changes needed to improve programs and services. The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. The Agency is committed to hearing feedback from its customers. Responses will be assessed to identify service areas in need of improvement. If this information is not collected, then the Agency will miss opportunities to obtain vital feedback from its customers and stakeholders on ways to improve their program and services.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

• The collection is voluntary;

• The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

• The collection is noncontroversial and does not raise issues of concern to other Federal agencies;

• Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

• Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

• Information gathered will only be used internally for general program and service improvement as well as program administrative purposes, and is not intended for release outside the Agency;

• Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

• Information gathered will yield qualitative information; the collections are not designed or expected to yield statistically reliable results nor used as though the results are generalizable to the population of study.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature.

II. Method of Collection

The USPTO uses surveys, focus groups, interviews, questionnaires, and usability testing to collect feedback from its customers. These may be conducted via telephone, through electronic means, or in person. The USPTO expects customers will respond to the questionnaires and surveys primarily through electronic means, and to the focus groups, interviews, and usability testing primarily in person.

III. Data

OMB Number: 0651–0080.

IC Instruments and Forms: The individual instruments in this collection, as well as their associated forms, are listed in the table below.

Type of Review: Regular.

Affected Public: Individuals and households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 143,000 responses per year.

Estimated Time per Response: Between 3 minutes (0.05 hours) and 120 minutes (2 hours), depending on the instruments used and the item being completed.

Estimated Total Annual Respondent Burden Hours: 18,475 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $4,387,986.75. The USPTO expects that attorneys, paralegals and *pro se* applicants will complete these applications. The professional hourly rate for attorneys is $438, and the hourly rates for paralegals and *pro se* applicants are $145 and $30, respectively. The average of the combined respondent rate is $204.33. Using this blended hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $4,387,986.75 per year.

IC No.	Information collection item	Estimated time for response (minutes) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) x (b) = (c)	Rate (S/hr)
1	Customer Surveys	5	40,000	3,333.33	$204.33

IC No.	Information collection item	Estimated time for response (minutes) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) x (b) = (c)	Rate (S/hr)
2	Questionnaires/Customer Comment Cards/Complaint Forms.	5	600	50.00	$204.33
3	Focus Groups/Interviews	15	500	125.00	$204.33
4	Small Discussion Groups	120	400	800.00	$204.33
5	Usability Tests (In-person observation (i.e., Website/Software).	30	1,000	500.00	$204.33
6	ForeSee Surveys (*USPTO.GOV*)	10	100,000	16,666.67	$204.33
Total (Three-Year Period).			143,000 (429,000)	18,475 (55,425)	

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0. There are no capital start-up, maintenance, postage, recordkeeping costs, or any other fees associated with this information collection.

IV. Request for Comments

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2018–10768 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Proposed Collection; Comment Request; ''Rules for Patent Maintenance Fees''

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Proposed extension of an existing information collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 20, 2018.

ADDRESSES: Written comments may be submitted by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0016 Rules for Patent Maintenance Fees'' in the subject line of the message.
- *Mail:* Marcie Lovett, Director, Records and Information Governance Division, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email at *Raul.Tamayo@uspto.gov* with ''Paperwork'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Under 35 U.S.C. § 41 and 37 CFR 1.20(e)–(h) and 1.362–1.378, the United States Patent and Trademark Office (USPTO) charges fees for maintaining in force all utility patents based on applications filed on or after December 12, 1980. Payment of these maintenance fees is due at 3½, 7½, and 11½ years after the date the patent was granted. If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of six months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time. After a patent expires, it is no longer enforceable. Maintenance fees are not required for design, plant, or reissue patents if the patent being reissued did not require maintenance fees.

Payments of maintenance fees that are submitted during the six-month grace period before patent expiration must include the appropriate surcharge as indicated by 37 CFR 1.20(h). Submissions of maintenance fee payments and surcharges must include the relevant patent number and the corresponding United States application number in order to identify the correct patent and ensure proper crediting of the fee being paid.

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director to accept and record the maintenance fee under 37 CFR 1.377. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 37 CFR 1.378. The Director may accept the payment of

a maintenance fee after the expiration of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unintentional. Petitions to accept unintentionally delayed payment must also be accompanied by the required maintenance fee and the petition fee as set forth in 37 CFR 1.17(m). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(d).

The rules of practice (37 CFR 1.33(d) and 1.363) permit applicants, patentees, assignees, or their representatives of record to specify a ''fee address'' for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. A fee address must be an address that is associated with a USPTO customer number. Customer numbers may be requested by using the Request for Customer Number Form (PTO/SB/125), which is covered under OMB control number 0651–0035. Maintaining a correct and updated address is necessary so that fee-related correspondence from the USPTO will be properly received by the applicant, patentee, assignee, or authorized representative. If a separate fee address is not specified for a patent or application, the USPTO will direct fee-related correspondence to the correspondence address of record.

The USPTO offers forms to assist the public with providing information covered by this collection, including the information necessary to submit a patent maintenance fee payment (PTO/SB/45) and to designate or change a fee address (PTO/SB/47). The USPTO offers two different versions of the petition to accept unintentionally delayed payment of maintenance fee in an expired patent under 37 CFR 1.378(b). In addition to the basic PDF that may be filled out electronically and then printed and mailed (or submitted online) (Form PTO/SB/66), the USPTO offers a Web-based ePetition, which the public can complete on a computer using a Web browser and then click a submit button to send the information to the USPTO over the internet (ePetition). No form is associated with the petition to the Director to accept and record the maintenance fee under 37 CFR 1.377, or the petition the Director to reconsider a decision to refuse to accept a delayed payment in an expired patent under 37 CFR 1.378(d). Both may be submitted in paper and electronic format.

Customers may submit maintenance fee payments and surcharges incurred during the six-month grace period before patent expiration by using the Maintenance Fee Transmittal Form (PTO/SB/45) or by paying online through the USPTO website. However, to pay a maintenance fee after patent expiration, the maintenance fee payment and the petition fee as set forth in 37 CFR 1.17(m) must be filed together with a petition to accept unintentionally delayed payment. The USPTO accepts online maintenance fee payments by credit card, deposit account, or electronic funds transfer (EFT). Otherwise, non-electronic payments may be made by check, credit card, or deposit account.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0016.

IC Instruments: The individual instruments in this collection, as well as their associated forms, are listed in the table below.

IC #	Form and function	Form #
1	Maintenance Fee Transmittal Form, electronic and paper	PTO/SB/45.
2	Electronic Maintenance Fee Form, electronic	No Form Associated.
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)), electronic and paper.	PTO/SB/66.
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))—ePetition, electronic.	ePetition.
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377), electronic and paper.	No Form Associated.
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d)), electronic and paper.	No Form Associated.
7	''Fee Address'' Indication Form, electronic and paper	PTO/SB/47.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 533,910 responses per year. The USPTO estimates that approximately 25% of these responses will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 20 seconds (0.006 hours) to 8 hours to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or petition, and submit the completed request to the USPTO. The time per response, estimated annual responses, and estimated annual hour burden associated with each instrument in this information collection is shown in the table below.

Estimated Total Annual Hour Burden: 13,878.89 hours.

Estimated Total Annual Cost Burden (Hourly): $5,117,750.56. The USPTO expects that the information in this collection will be prepared by both attorneys and paralegals. The professional hourly rate for attorneys is $438 and the professional hourly rate for paraprofessionals is $145. These rates are established by estimates in the 2017 Report on the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association and the 2017 National Utilization and Compensation Survey published by the National Association of Legal Assistants (NALA). Therefore, the estimated total respondent cost burden for this collection will be approximately $5,117,750.56 per year.

IC #	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c)(a × b)/60	Rate ($/hr) (d)	Total cost ($/yr) (e)(c × d)
1	Maintenance Fee Transmittal Transactions (PTO/SB/45).	5	11,000	916.67	$145.00	$132,916.67
2	Electronic Maintenance Fee Transactions	0.33	425,500	2,363.89	145.00	342,763.89
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66).	60	300	300	438.00	131,400.00
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)—ePetition.	60	1,500	1,500	438.00	657,000.00
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377).	240	10	40	438.00	17,520.00
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d)).	480	100	800	438.00	350,400.00
7	''Fee Address'' Indication Form (PTO/SB/47)	5	95,500	9,137.5	145.00	3,485,750.00
Totals			533,910	13,878.89		5,117,750.56

Estimated Total Annual Cost Burden (Non-Hourly): $1,209,457,959.50. This information collection has annual (non-hour) cost burden in the form of filing fees and postage costs.

In this collection there are filing fees associated with the maintenance of patents, which are listed in the table below.

IC #	Item	Respondents (a)	Filing fee (b)	Burden (a) × (b) = (c) ($)
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (large entity).	188,800	$1,600.00	*$302,080,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (small entity).	40,800	800.00	32,640,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (micro entity).	2,600	400.00	1,040,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (large entity).	96,000	3,600.00	345,600,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (small entity).	16,200	1,800.00	29,160,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (micro entity).	900	900.00	810,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (large entity).	61,700	7,400.00	456,580,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (small entity).	9,800	3,700.00	36,260,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (micro entity).	500	1,850.00	925,000.00
1	Surcharge—3.5 year—Late Payment Within 6 Months (large entity).	3,500	160.00	560,000.00
1	Surcharge—3.5 year—Late Payment Within 6 Months (small entity).	6,200	80.00	496,000.00
1	Surcharge—3.5 year—Late Payment Within 6 Months (micro entity).	700	40.00	28,000.00
1	Surcharge—7.5 year—Late Payment Within 6 Months (large entity).	2,000	160.00	320,000.00
1	Surcharge—7.5 year—Late Payment Within 6 Months (small entity).	2,500	80.00	200,000.00
1	Surcharge—7.5 year—Late Payment Within 6 Months (micro entity).	300	40.00	12,000.00
1	Surcharge—11.5 year—Late Payment Within 6 Months (large entity).	2,200	160.00	352,000.00
1	Surcharge—11.5 year—Late Payment Within 6 Months (small entity).	1,700	80.00	136,000.00
1	Surcharge—11.5 year—Late Payment Within 6 Months (micro entity).	200	40.00	8,000.00
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (large entity).	500	2,000.00	1,000,000.00

IC #	Item	Respondents (a)	Filing fee (b)	Burden (a) × (b) = (c) ($)
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (small entity).	1,200	1,000.00	1,200,000.00
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (micro entity).	100	500.00	50,000.00
Totals		438,400		1,209,457,000.00

The public may submit the forms and petitions in this collection to the USPTO by mail through the United States Postal Service. If the submission is sent by first-class mail, the public may also include a signed certification of the date of mailing in order to receive credit for timely filing. The USPTO estimates that the average first-class postage cost for a mailed submission will be 50 cents and that approximately 1,919 submissions per year may be mailed to the USPTO, for a total postage cost of $959.50 per year.

IC #	Item	Responses (a)	Postage cost (b)	Total non-hour cost burden (postage) (c)(a) × (b)
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)).	6	$0.50	$3.00
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377).	1	0.50	0.50
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d)).	2	0.50	1.00
7	''Fee Address'' Indication Form	1,910	0.50	955.00
Totals		1,919		959.50

The total (non-hour) respondent cost burden for this collection in the form of filing fees and postage costs is estimated to be $1,209,457,959.50 per year.

IV. Request for Comments

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information, 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 respondents, including through the use of automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Marcie Lovett,

Director, Records and Information Governance Division, Office of the Chief Technology Officer, USPTO.

[FR Doc. 2018–10690 Filed 5–18–18; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of a new system of records.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is establishing a new system of records under the Privacy Act of 1974: CFTC–52, Training Records. New CFTC–52 addresses information collected from individuals who participate in or assist with CFTC training.

DATES: Comments must be received on or before June 20, 2018. This action will be effective without further notice on June 20, 2018, unless revised pursuant to comments received.

ADDRESSES: You may submit comments to this notice by any of the following methods:

- *Agency website, via its Comments Online process: https://comments.cftc.gov.* Follow the instructions for submitting comments through the website.
- *Federal eRulemaking Portal:* Comments may be submitted at *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail, above.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of

Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations, 17 CFR 145.9.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of a submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the notice will be retained in the comment file, will be considered as required under all applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Chief Privacy Officer, *privacy@cftc.gov,* Office of the Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Training Records

The Training Records system contains information about individuals who participate in or assist with CFTC training. Collection of this information is necessary to facilitate, track, and report on administrative and mission-related training provided by CFTC.

II. The Privacy Act

Under the Privacy Act of 1974, 5 U.S.C. 552a, a ''system of records'' is defined as any group of records under the control of a federal government agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act establishes the means by which government agencies must collect, maintain, and use personally identifiable information associated with an individual in a government system of records.

Each government agency is required to publish a notice in the **Federal Register** of a system of records in which the agency identifies and describes each system of records it maintains, the reasons why the agency uses the personally identifying information therein, the routine uses for which the agency will disclose such information outside the agency, and how individuals may exercise their rights under the Privacy Act to determine if the system contains information about them.

SYSTEM NAME AND NUMBER

Training Records; CFTC–52.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records for this system are stored in a vendor Government Cloud based Learning Management Solution, 1601 Cloverfield Blvd., Suite 600S, Santa Monica, CA 90404 and the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SYSTEM MANAGER(S):

Office of Executive Director (OED), Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The collection of this information is authorized by or under 5 U.S.C. 4103; 5 CFR part 410; 5 CFR part 412; Public Law 107–347, E-Government Act of 2002; Executive Order 11348—Providing for the further training of Government employees; Executive Order 13111—Using Technology to Improve Training Technologies for Federal Government Employees.

PURPOSE(S) OF THE SYSTEM:

This records system will collect and document CFTC training given to CFTC employees, contractors, and others who are provided CFTC training. This system will provide CFTC with a means to track training registrations, scheduling, scores, completions, and other training metrics to assess the effectiveness of training, identify patterns, respond to requests for information related to the training of CFTC personnel and other individuals, and facilitate the compilation of statistical information about training.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the CFTC, contractors, consultants, interns, any individual who participated in or assisted with a training program including instructors, course developers, observers, and interpreters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records includes information that may contain: Staff member name (First, Middle Initial, and Last Name), CFTC generated employee number, CFTC email address, division, office and/or branch, geographic location, position/title, job series, employment type (Federal employee, contractor, consultant, intern, or volunteer), participation/transaction data, including training sessions begun or completed by staff member, percentage of completion, assessments scores from any quizzes in training sessions, and length of time required to complete training sessions.

RECORD SOURCE CATEGORIES:

Information in this system originates from CFTC or is obtained directly from the individual who is the subject of these records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

(a) To disclose information to contractors, grantees, volunteers, experts, students, and others performing or working on a contract, service, grant, cooperative agreement, or job for the Federal government when necessary to accomplish an agency function;

(b) To disclose information to Congress upon its request, acting within the scope of its jurisdiction, pursuant to the Commodity Exchange Act, 7 U.S.C. 1 *et seq.,* and the rules and regulations promulgated thereunder;

(c) To disclose information to Federal, State, local, territorial, Tribal, or foreign agencies for use in meeting their statutory or regulatory requirements;

(d) To disclose to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter;

(e) To disclose to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter;

(f) To disclose to appropriate agencies, entities, and persons when (1) the Commission suspects or has confirmed that there has been a breach of the system of records; (2) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; or

(g) To disclose to another Federal agency or Federal entity, when the Commission determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The Training Records system of records stores records in this system electronically or on paper in secure facilities. Electronic records are stored on the Learning Management System's secure servers or on the Commission's secure network and other electronic media as needed, such as encrypted hard drives and back-up media. Paper records are stored in secured facilities.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Certain information covered by this system of records may be retrieved by employee name, or employee id number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records for this system will be maintained in accordance with all applicable records schedules approved by the National Archives and Records Administration (NARA) including GRS 2.6, items 010, 020, 030 and GRS 2.7, item 030. All approved records schedules can be found at *http://www.cftc.gov,* or *http://www.archives.gov/records-mgmt/grs.html.*

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are protected from unauthorized access and improper use through administrative, technical, and physical security measures. Administrative safeguards include agency-wide Rules of Behavior, agency-wide procedures for safeguarding personally identifiable information, and required annual privacy and security training. Technical security measures within CFTC include restrictions on computer access to authorized individuals who have a legitimate need-to-know the information; required use of strong passwords that are frequently changed; multi-factor authentication for remote access and access to many CFTC network components; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Physical safeguards include restrictions on building access to authorized individuals, 24-hour security guard service, and maintenance of records in lockable offices and filing cabinets.

RECORDS ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records should address written inquiries to the Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. See 17 CFR 146.3 for full details on what to include in Privacy Act access request.

CONTESTING RECORDS PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address written inquiries to the Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. See 17 CFR 146.8 for full details on what to include in a Privacy Act amendment request.

NOTIFICATION PROCEDURES:

Individuals seeking notification of any records about themselves contained in this system of records should address written inquiries to the Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. See 17 CFR 146.3 for full details on what to include in a Privacy Act notification request.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Issued in Washington, DC, on May 16, 2018, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–10773 Filed 5–18–18; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2018–0020]

Privacy Act of 1974; System of Records

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of Modified Systems of Record.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection (Bureau or CFPB) gives notice of the establishment of a modified Privacy Act System of Records.

DATES: Comments must be received no later than June 20, 2018. This Modification will be effective upon publication in today's **Federal Register**.

ADDRESSES: You may submit comments, identified by the title and docket number (see above), by any of the following methods:

- *Electronic: privacy@cfpb.gov* or *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Claire Stapleton, Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Chief Privacy Officer, at (202) 435–7220. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Bureau revises each of its Privacy Act System of Records Notices contained in its inventory of record systems.

The Bureau modifies the purpose(s) for which each system is maintained to clarify that the information in each Bureau system will be used to ensure quality control, performance, and

improve management processes. This clarification will be added to the purpose section of each Bureau system of record notice published in the **Federal Register**. The **Federal Register** citation for all Bureau system of records notices can be found in the History section of this Notice of a Modified System of Records.

The Bureau also modifies the list of routine uses of records maintained in each Bureau system in accordance with Office of Management and Budget's (OMB) 2017 guidance to assist Federal agencies prepare for and respond to a breach of personally identifiable information. The first routine use in each Bureau system of records notice is revised to mirror the text presented in the first routine use below. The second routine use presented below is being added to each Bureau system of records notice; and, the routine uses in each system of records are renumbered to account for this new routine use. These revisions will be added to the section that lists the routine uses for records in each Bureau system of records notice published in the **Federal Register**. The **Federal Register** citation for all Bureau system of records notices can be found in the History section of this Notice of a Modified System of Records.

The report of the modified systems of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act'' and the Privacy Act, 5 U.S.C. 552a(r).

Dated: May 14, 2018.

Claire Stapleton,

Chief Privacy Officer, Bureau of Consumer Financial Protection.

SYSTEM NAMES AND NUMBERS

CFPB.001 CFPB Freedom of Information Act/Privacy Act System; CFPB.002 CFPB Depository Institution Supervision Database; CFPB.003 CFPB Non-depository Supervision Database; CFPB.004 CFPB Enforcement Database; CFPB.005 CFPB Consumer Response System; CFPB.006 Social Networks and Citizen Engagement System; CFPB.007 CFPB Directory Database; CFPB.008 Transit Subsidy Program; CFPB.009 Employee Administrative Records System; CFPB.010 Ombudsman System; CFPB.011 Correspondence Tracking System; CFPB.013 External Contact Database; CFPB.014 Direct Registration and User Management System; CFPB.015 CFPB Ethics Program Records; CFPB.016 CFPB Advisory Boards and Committees; CFPB.017 CFPB Small Business Review Panels and Cost of Credit Consultations; CFPB.018 Litigation Files; CFPB.019 Nationwide Mortgage Licensing System and Registry; CFPB.020 CFPB Site Badge and Visitor Management Systems; CFPB.021 CFPB Consumer Education and Engagement Records; CFPB.022 Market and Consumer Research Records; CFPB.023 CFPB Prize Competitions Program Records; CFPB.025 Civil Penalty Fund and Bureau-Administered Redress Program Records; CFPB.026 Biographies.

SECURITY CLASSIFICATION:

Bureau information systems do not contain any classified information or data.

SYSTEM LOCATION:

The location of a Bureau system can be found by reviewing the system of records notice published in the **Federal Register**. The **Federal Register** citation for all Bureau system of records notices can be found in the History section of this Notice of a Modified System of Records.

SYSTEM MANAGER(S):

The system manager of a Bureau system can be found by reviewing the system of records notice published in the **Federal Register**. The **Federal Register** citation for all Bureau system of records notices can be found in the History section of this Notice of a Modified System of Records.

PURPOSE(S) OF THE SYSTEM:

The information collected for each system will also be used for administrative purposes to ensure quality control, performance, and improve management processes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

These records may be disclosed in accordance with OMB Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' to:

(1) appropriate agencies, entities, and persons when (a) CFPB suspects or has confirmed that there has been a breach of the system of records; (b) CFPB has determined that as a result of the suspected or confirmed there is a risk of harm to individuals, CFPB (including its information systems, programs, and operations), the Federal Government or national security; and (b) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with CFPB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(2) another Federal agency or Federal entity, when the CFPB determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

HISTORY:

79 FR 78837 (Dec. 31, 2014) (CFPB.001 CFPB Freedom of Information Act/Privacy Act System); 76 FR 45765 (Aug. 1, 2011) (CFPB.002 CFPB Depository Institution Supervision Database); 76 FR 45761 (Aug. 1, 2011) (CFPB.003 CFPB Non-depository Supervision Database); 76 FR 45757 (Aug. 1, 2011) (CFPB.004 CFPB Enforcement Database); 79 FR 21440 (Apr. 16, 2014) (CFPB.005 CFPB Consumer Response System); 78 FR 50041 (Aug. 16, 2013) (CFPB.006 Social Networks and Citizen Engagement System); 78 FR 54630 (Sept. 5, 2013) (CFPB.007 CFPB Directory Database); 76 FR 68395 (Nov. 4, 2011) (CFPB.008 CFPB Transit Subsidy Program); 81 FR 27104 (May 5, 2016) (CFPB.009 Employee Administrative Records System); 79 FR 6192 (Feb. 3, 2014) (CFPB.010 Ombudsman System); 78 FR 76286 (Dec. 17, 2013) (CFPB.011 Correspondence Tracking System); 77 FR 59386 (Sept. 27, 2012) (CFPB.013 CFPB External Contact Database); 77 FR 24185 (Apr. 23, 2012) (CFPB.014 Direct Registration and User Management System); 77 FR 1049 (Jan. 9, 2012) (CFPB.015 CFPB Ethics Program Records); 78 FR 25428 (May 1, 2013) (CFPB.016 CFPB Advisory Boards and Committees); 77 FR 24183 (Apr. 23, 2012) (CFPB.017 CFPB Small Business Review Panels and Cost of Credit Consultations); 77 FR 27446 (May 10, 2012) (CFPB.018 Litigation Files); 77 FR 35359 (June 13, 2012) (CFPB.019 Nationwide Mortgage Licensing System and Registry); 77 FR 56623 (Sept. 13, 2012) (CFPB.020 CFPB Site Badge and Visitor Management Systems); 79 FR 78839 (Dec. 31, 2014) (CFPB.021 CFPB Consumer Education and Engagement Records); 77 FR 67802 (Nov. 14, 2012) (CFPB.022 Market and Consumer Research Records); 77 FR 64962 (Oct. 24, 2012) (CFPB.023 CFPB Prize Competitions Program Records); 78 FR

34991 (June 11, 2013) (CFPB.025 Civil Penalty Fund and Bureau-Administered Redress Program Records); 78 FR 69834 (Nov. 21, 2013) (CFPB.026 Biographies).

[FR Doc. 2018–10809 Filed 5–18–18; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2018–0002]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—CPSC Playground Surfaces Survey

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) announces that CPSC has submitted to the Office of Management and Budget (OMB) a new proposed collection of information by the agency on a survey that will assess children's potential exposure to playground surfaces, including recycled tire material. In the **Federal Register** of February 5, 2018 (83 FR 5073), CPSC published a notice announcing the agency's intent to seek approval of this collection of information. CPSC received several comments in response to that notice. After review and consideration of the comments, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for approval of this collection of information.

DATES: Written comments on this request for approval of information collection requirements should be submitted by June 20, 2018.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881.

Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2018–0002.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bgriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Comments

On February 5, 2018, the CPSC published a notice in the **Federal Register** announcing the agency's intent to seek approval of a new collection of information on a CPSC Playground Surfaces Survey that will assess children's potential exposure to playground surfaces, including recycled tire material or ''tire crumb'' rubber (83 FR 5073). CPSC received five comments in response to that notice. Two commenters did not address the survey or any issues related to the survey. These commenters raised concerns about smart phones and bullying. One commenter supported the information collection. Two commenters requested that the CPSC analyze peer-reviewed research on the safety of rubber mulch, apply scientific methodologies to the research, and identify the constituents found in recycled rubber at acceptable risk levels.

The CPSC Playground Surfaces Survey will apply scientific survey methodologies to provide national estimates for the exposure of children less than 6 years old to playground surfaces, including, but not limited to, rubber mulch. The survey will not assess the safety of rubber mulch or whether children are at an increased health risk if they play on rubber mulch. Rather, the survey will help CPSC gain a better understanding of children's potential exposures to playground surfaces, including surfaces made from recycled tires, based on children's play behaviors on playgrounds. Potential exposures include skin contact, ingestion, and contact through open wounds.

The CPSC, the Environmental Protection Agency (EPA), and the Centers for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR) are working together on the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (Plan). The four components of the Plan and the agencies' responsibilities are as follows:

- Literature Review/Gap Analysis (EPA and CDC/ATSDR)
- Tire Crumb Characterization (EPA and CDC/ATSDR)
- Exposure Characterization Study (EPA and CDC/ATSDR)
- Playground Surfaces Study (CPSC)

The EPA and the CDC/ATSDR are charged with assessing the existence, if any, of potentially hazardous chemicals or substances in recycled tire materials on athletic playing fields. Accordingly, EPA and CDC/ATSDR will be responsible for analyzing and considering the appropriate scientific methodologies and peer reviewed research in any hazard analysis. CPSC is tasked with research to establish the level of risk and the extent to which children may be exposed to potential hazard(s) related to recycled rubber on playgrounds. The CPSC Playground Surfaces Survey will help to inform CPSC staff's analysis regarding children's potential risk of exposure, and the extent of the exposure from playground surfaces derived from recycled tires, but the survey will not address any potential hazards.

Accordingly, after consideration of these comments, CPSC will request approval of this collection of information from OMB.

B. Survey

CPSC has contracted with the Fors Marsh Group, LLC (FMG) to design the CPSC Playground Surfaces Survey. SSRS, LLC will program and administer the survey. Trained interviewers will dial and conduct the survey using a computer-assisted telephone interview (CATI) system, in a secure location, to which only authorized personnel have access. Participants will be recruited by re-contacting respondents of the SSRS Omnibus. The SSRS Omnibus is a national, weekly, dual-frame bilingual RDD telephone survey designed to meet standards of quality associated with custom research studies. Each weekly wave of the SSRS Omnibus consists of 1,000 interviews; 600 interviews are obtained with respondents on their cell phones, and approximately 35 interviews are completed in Spanish. The topic of the surveys varies week to week. Interviewers will conduct follow-up re-contacts to target specific populations on certain issues. SSRS will use existing data from this sample source to pre-screen individuals in the target population (parents of children who are currently 0–5 years old). These targeted households will be re-contacted to administer the proposed survey. Participants will be re-screened at the beginning of the call to make sure that they meet the target criteria and to identify which subset of questions they will be given for the survey. Participation is voluntary and all responses will be kept confidential.

Each telephone interview will take approximately 20 minutes to complete. CPSC estimates the number of respondents to be 2,200. CPSC estimates the total annual burden hours for respondents to be 726 hours. The monetized hourly cost is $35.28, as defined by the average total hourly cost

to employers for employee compensation for employees across all occupations as of June 2017, reported by the Bureau of Labor Statistics. Accordingly, CPSC estimates the total annual cost burden to all respondents to be $25,613 (726 hours × $35.28 = $25,613.28). The total cost to the federal government for the contract to design and conduct the survey issued to FMG under contract number CPSC–D–16–0002 is $243,593.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–10736 Filed 5–18–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intended Disinterment

AGENCY: Department of the Army, DoD.

ACTION: Notice of intended disinterment.

SUMMARY: Army National Military Cemeteries (ANMC) is honoring the requests of four families to disinter the human remains of four Native American students from the Carlisle Barracks Post Cemetery, Carlisle, Pennsylvania. The decedent names are Little Plume (aka Hayes Vanderbilt Friday), George Ell (aka George Eli), Herbert Little Hawk (aka Herbert J. Littlehawk), and Her Pipe Woman (aka as Dora Brave Bull). These students died in the 1880s and 1890s while attending the Carlisle Indian Industrial School. At the request of the closest living relative for each decedent, ANMC will disinter, transfer custody, transport, and reinter the remains in private cemeteries chosen by the families. This disinterment will be conducted in accordance with Army Regulation 210–190. This is not a Native American Graves Protection and Repatriation Act (NAGPRA) action because the remains are not part of a collection as they are interred in graves that are individually marked at the Carlisle Barracks Post Cemetery.

DATES: The disinterment is scheduled to begin on June 14, 2018. Transportation to and re-interment in private cemeteries will take place as soon as practical after the disinterment. If other living relatives object to the disinterment of these remains, please provide written objection to Lieutenant Colonel Brent Kauffman at the email address listed below prior to June 7, 2018. Such objections may delay the disinterment for the decedent in question.

ADDRESSES: Objections from family members and public comments can be mailed to Lieutenant Colonel Brent Kauffman, ANMC Project Manager, 1 Memorial Avenue, Arlington National Cemetery, Arlington, VA 22211 or emailed to *usarmy.pentagon.hqda-anmc.mbx.accountability-coe@mail.mil* (preferred).

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Brent Kauffman, ANMC Project Manager at the email address listed above.

SUPPLEMENTARY INFORMATION: Additional information related to Native Americans buried at the Carlisle Barracks Post Cemetery can be found at *http://www.belvoir.army.mil/ANMC/ReturnOfNativeAmericanRemains.asp*.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–10772 Filed 5–18–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

[Docket ID: DOD–2018–OS–0029]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of a new System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records, Spouse Education and Career Opportunities (SECO) Program, DPR 46 DoD. This program makes available the resources and tools to help military spouses with career exploration and discovery, career education and training, employment readiness, and career connections at any point within the military spouse's career. The records allow the spouse to build a profile including their contact information, education, and employment data. This allows the individual to save information over time in order to easily prepopulate it into tools such as resume builders and career and education planning resources. Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness and conducting research.

DATES: Comments will be accepted on or before June 20, 2018. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Luz D. Ortiz, Chief, Records, Privacy and Declassification Division (RPD2), 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0478.

SUPPLEMENTARY INFORMATION: The Department of Defense (DoD) Spouse Education and Career Opportunities (SECO) Program (DPR 46 DoD) is the primary source of education, career and employment counseling for all military spouses seeking post-secondary education, training, licenses and credentials necessary for portable career employment. The SECO program delivers the resources and tools necessary to assist spouses of service members with career exploration/discovery, career education and training, employment readiness, and career connections at any point within the military spouse's career. It is imperative the DoD collect data to ensure the SECO program meets its overarching goal of increasing employment opportunities for military spouses. The DoD requires the information in the proposed collection for program planning and management purposes. Collected information will ensure the SECO program can assemble relevant metrics and make determinations of program viability and improvement. Additionally, the data collected is utilized to build a spouse profile allowing information to be saved over time and to prepopulate information into tools such as resume builders and career and education planning resources.

This program complies with 10 U.S.C. 1784, Employment Opportunities for

Military Spouses and 10 U.S.C. 1784a, Education and Training Opportunities for Military Spouses to Expand Employment and Portable Career Opportunities by requiring the DoD to assist military spouses with education, training, and career opportunities.

Military spouses may learn about the SECO program in various ways including through the Military OneSource program, installation service providers, from other military spouses and via general online searches. Once aware of the SECO program, a military spouse can access it by simply going online to the following URL: *https://myseco.militaryonesource.mil.* Users are able to review resources at that time or select to log in to create an account.

All information is collected from military spouses online via the SECO system and utilized to provide military spouses with education and employment resources tailored to their specific needs. Military spouse eligibility is verified through the Defense Enrollment Eligibility Reporting Systems (DEERS).

Once logged in, military spouses may opt in to receive email notifications from their account to remind them of outstanding tasks (*e.g.* completing their profile) and to receive updates on upcoming events and news. Spouses opting into email notifications receive them once per month.

The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties, and Transparency Division website at *http://defense.gov/privacy.*

The proposed systems reports, as required by the Privacy Act of 1974, as amended, were submitted on April 26, 2018, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to Section 6 to OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016, 81 FR 94424).

Dated: May 16, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

Spouse Education and Career Opportunities (SECO) Program, DPR 46 DoD.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), Defense Enterprise Computing Centers (DECC) Montgomery, 401 East Moore Drive, Maxwell Air Force Base, Alabama 36114–3000.

SYSTEM MANAGER(S):

Director, Office of Family Readiness Policy (OFRP) or SECO Program Manager, Military Community and Family Policy (MC&FP), 4800 Mark Center Drive, Alexandria, VA 22350–2300; email: *osd.msepjobs@mail.mil,* phone: 571–372–5314.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 1144, Employment Assistance, Job Training Assistance, and Other Transitional Services: Department Of Labor; 10 U.S.C. 1784, Employment opportunities for military spouses; 10 U.S.C. 1784a, Education and training opportunities for military spouses to expand employment and portable career opportunities; and DoD Instruction 1342.22, Military Family Readiness.

PURPOSE OF THE SYSTEM:

The SECO Program is the primary source of education, career and employment counseling for all military spouses. The SECO website delivers the resources and tools necessary to assist military spouses with career exploration/discovery, career education and training, employment readiness, and career connections at any point within the military spouse's career.

Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness and conducting research.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participating spouses of members of the United States Armed Forces (military spouses).

CATEGORIES OF RECORDS IN THE SYSTEM:

Military spouse's name, DoD ID number, date of birth, gender, mailing and home address, years as military spouse, personal email address, personal cell and home telephone number, work experience, education, certificates and licenses, skills, abilities, competencies, and other information related to the individual concerning career networking providers, affiliations, and materials; Military sponsor's name, pay grade, current projected date of separation, branch of service, service eligibility, and time in service.

RECORD SOURCE CATEGORIES:

The individual, Defense Enrollment Eligibility Reporting System (DEERS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To civilian educational institutions where the participant is enrolled, for the purposes of ensuring correct enrollment and billing information.

b. To the Department of Education, Consumer Financial Protection Bureau and the Department of Justice for the purpose of complying with E.O. 13607, Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members.

c. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.

d. To the appropriate federal, state, local, territorial, tribal, or foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

e. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

f. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

g. To the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

h. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the

information on behalf of, and at the request of, the individual who is the subject of the record.

i. To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed that there has been a breach of the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

j. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic storage media, in accordance with the safeguards mentioned below.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in this system may be retrieved by name or DoD ID number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained and disposed of consistent with the National Archives and Records Administration approved records disposition schedule (General Records Schedule 3.2, Item 30). User accounts are deleted after 3 consecutive years of inactivity.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Unauthorized access to records is low due to SECO being hosted on a DoD Risk Management Framework life-cycle cybersecurity infrastructure. Electronic records are maintained on a military installation in a secure building in a controlled area accessible only to authorized personnel. Physical entry is restricted by the use of locks and passwords and administrative procedures which are changed periodically. The system is designed with access controls, comprehensive intrusion detection, and virus protection. Access to personally identifiable information is role based and restricted to those requiring the data in the performance of their official duties and upon completing annual information assurance and privacy training. Records are encrypted during transmission to protect session information and at rest. Encrypted random tokens are implemented to protect against session hijacking attempts.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should include the individual's full name, DoD ID number, current address, and telephone number and this system of records notice number.

In addition, the requester must provide either a notarized signature or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The Office of the Secretary of Defense (OSD) rules for accessing records and for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should address inquiries to the Director, Office of Family Readiness Policy (OFRP) or SECO Program Manager, Military Community and Family Policy (MC&FP), 4800 Mark Center Drive, Alexandria VA 22350–2300.

Signed, written requests should include the individual's full name, DoD ID number, current address, and telephone number.

In addition, the requester must provide either a notarized signature or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2018–10770 Filed 5–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0025]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 20, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Andrew Corso, Pentagon, Washington, DC 20301–1500, or call (703) 693–1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704–0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by Section 1415 of title 10, United States Code.

Affected Public: Individuals or Households.

Annual Burden Hours: 16,700.

Number of Respondents: 66,800.

Responses per Respondent: 1.

Annual Responses: 66,800.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 66,800 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete Part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: May 9, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–10745 Filed 5–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Bipartisan Budget Act of 2018—Emergency Assistance to Institutions of Higher Education Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice; correction.

SUMMARY: On May 3, 2018, we published in the **Federal Register** a notice inviting pre-applications and applications for the fiscal year (FY) 2018 Emergency Assistance to Institutions of Higher Education Program, Catalog of Federal Domestic Assistance (CFDA) number 84.938T. This notice corrects the Application and Submission Instructions.

DATES: The correction is applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Beatriz Ceja, U.S. Department of Education, 400 Maryland Avenue SW, Room 260–04, Washington, DC 20202–6200. Telephone: (202) 453–6239. Email: *Beatriz.Ceja@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 On May 3, 2018, we published in the **Federal Register** a notice inviting pre-applications and applications for new awards for the FY 2018 Emergency Assistance to Institutions of Higher Education Program (CFDA number 84.938T) (83 FR 19550). This notice corrects the Application and Submission Instructions section of that document by clarifying that applications are to be submitted via email, and not through *Grants.gov*.

Correction

In FR Doc. 2018–09417, we are revising the sentence beginning on page 19551 in the middle column, at line 17 from the top of the page, under the heading ''Content and Form of Application Submission'' to delete the words ''through *Grants.gov*'' and insert in their place ''at *EAIProgram@ed.gov*''.

Program Authority: Bipartisan Budget Act of 2018, Public Law 115–123.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the pre-application and the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You also may 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 16, 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. 2018–10799 Filed 5–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Research and Special Education Research Grant Programs

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2019 for the Education Research and Special

Education Research Grant Programs, Catalog of Federal Domestic Assistance (CFDA) numbers 84.305A, 84.305C, 84.305D, 84.305H, 84.305L, 84.324A, 84.324B, 84.324L, and 84.324N.

DATES: The dates when applications are available and the deadlines for transmittal of applications invited under this notice are indicated in the chart at the end of this notice and in the Requests for Applications (RFAs) that are posted at the following websites: *https://ies.ed.gov/funding*, *https://www.ed.gov/programs/edresearch/index.html,* and *https://www.ed.gov/programs/specialedresearch/index.html.*

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: The contact person associated with a particular research competition is listed in the chart at the end of this notice, as well as in the relevant RFA and application package.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: In awarding these grants, the Institute of Education Sciences (Institute) intends to provide national leadership in expanding fundamental knowledge and understanding of (1) developmental and school readiness outcomes for infants and toddlers with or at risk for a disability, (2) education outcomes for all students from early childhood education through postsecondary and adult education, and (3) employment and wage outcomes when relevant (such as for students who engaged in career and technical, postsecondary, or adult education). The Institute's research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all students. These interested individuals include parents, educators, students, researchers, and policymakers. In carrying out its grant programs, the Institute provides support for programs of research in areas of demonstrated national need.

Competitions in This Notice: The Institute will conduct nine research competitions in FY 2019 through two of its centers:

The Institute's National Center for Education Research (NCER) will hold a total of five competitions—one competition in each of the following areas: Education research; education research and development centers; statistical and reseach methodology in education; partnerships and collaborations focused on problems of practice or policy; and low-cost, short-duration evaluation of education interventions.

The Institute's National Center for Special Education Research (NCSER) will hold a total of four competitions—one competition in each of the following areas: Special education research; research training programs in special education; low-cost, short-duration evaluation of special education interventions; and research networks focused on critical problems of policy and practice in special education.

NCER Competitions

The Education Research Competition. Under this competition, NCER will consider only applications that address one of the following topics:

- Career and Technical Education.
- Cognition and Student Learning.
- Early Learning Programs and Policies.
- Education Leadership.
- Education Technology.
- Effective Teachers and Effective Teaching.
- English Learners.
- Improving Education Systems.
- Postsecondary and Adult Education.
- Reading and Writing.
- Science, Technology, Engineering, and Mathematics Education.
- Social and Behavioral Context for Academic Learning.
- Special Topics, which include—
- Social Studies.
- Foreign Language Education.

The Education Research and Development Centers Competition. Under this competition, NCER will consider only applications that address one of the following two topics:

- Improving Rural Education.
- Writing in Secondary Schools.

The Statistical and Research Methodology in Education Competition. Under this competition, NCER will consider only applications that address one of the following two topics:

- Statistical and Research Methodology Grants.
- Early Career Statistical and Research Methodology Grants.

The Partnerships and Collaborations Focused on Problems of Practice or Policy Competition. Under this competition, NCER will consider only applications that address one of the following two topics:

- Researcher-Practitioner Partnerships in Education Research.
- Evaluation of State and Local Education Programs and Policies.

The Low-Cost, Short-Duration Evaluation of Education Interventions Competitions. Under this competition, NCER will consider only applications that address low-cost, short-duration evaluation of education interventions.

NCSER Competitions

The Special Education Research Competition. Under this competition, NCSER will consider only applications that address one of the following topics:

- Autism Spectrum Disorders.
- Cognition and Student Learning in Special Education.
- Early Intervention and Early Learning in Special Education.
- Families of Children with Disabilities.
- Professional Development for Teachers and School-Based Service Providers.
- Reading, Writing, and Language Development.
- Science, Technology, Engineering, and Mathematics Education.
- Social and Behavioral Outcomes to Support Learning.
- Special Education Policy, Finance, and Systems.
- Technology for Special Education.
- Transition Outcomes for Secondary Students with Disabilities.
- Special Topics, which include—
- Career and Technical Education for Students with Disabilities.
- English Learners with Disabilities.
- Systems-Involved Students with Disabilities.

The Research Training Programs in Special Education Competition. Under this competition, NCSER will consider only applications that address early career development and mentoring.

The Low-Cost, Short-Duration Evaluation of Special Education Interventions Competitions. Under this competition, NCSER will consider only applications that address low-cost, short-duration evaluation of special education interventions.

The Research Networks Focused on Critical Problems of Policy and Practice in Special Education Competition. Under this competition, NCSER will consider only applications that address research on Multi-Tiered Systems of Support under the following topic:

• Research Team.

Program Authority: 20 U.S.C. 9501 *et seq.*

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, and 75.708. (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 in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply for this program.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2019, the Institute is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. The Department may announce additional competitions later in 2018. The actual award of grants will depend on the availability of funds.

Estimated Range of Awards: See chart at the end of this notice.

Estimated Size and Number of Awards: The size of the awards will depend on the scope of the projects proposed. The number of awards made under each competition will depend on the quality of the applications received for that competition, the availability of funds, and the following limits on awards for specific competitions and topics set by the Institute. See the chart at the end of this notice for additional information.

The Institute may waive any of the following limits on awards for a specific competition or topic in the special case that the peer review process results in a tie between two or more grant applications, making it impossible to adhere to the limits without funding only some of the equally ranked applications. In that case, the Institute may make a larger number of awards to include all applications of the same rank.

For NCER's Education Research and Development competition, we intend to fund one grant under the Writing topic and up to two grants under the Rural Education topic if they are deemed complementary rather than duplicative (*e.g.,* if the research is conducted in different States or regions of the country, and/or addressing different problems or issues in rural education).

For NCSER's Research Networks Focused on Critical Problems of Policy and Practice in Special Education competition, we intend to fund no more than five Research Team grants.

Contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2020 from the list of highly-rated unfunded applications from the FY 2019 competitions.

Note: The Department is not bound by any estimates in this notice.

Project Period: See chart at the end of this notice.

III. Eligibility Information

1. *Eligible Applicants:* Applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. Eligible applicants include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions of higher education, such as colleges and universities.

2. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

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. *Other Information:* Information regarding program and application requirements for the competitions will be contained in the NCER and NCSER RFAs, which will be available on or before May 31, 2018, on the Institute's website at: *https://ies.ed.gov/funding/.* The dates on which the application packages for these competitions will be available are indicated in the chart at the end of this notice.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications for each competition is indicated in the chart at the end of this notice and in the RFAs for the competitions.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, the Institute uses selection criteria based on a peer-review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the Institute's website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.*

For the 84.305A, 84.305D, 84.324A, and 84.324N competitions, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. These criteria are described in greater detail in the RFAs.

For the 84.324B competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the career development plan, the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. These criteria are described in greater detail in the RFA.

For the 84.305C competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan for the focused program of research, the quality of the plans for other center activities, the quality of the management and institutional resources, and the qualifications and experience of the personnel. These criteria are described in greater detail in the RFA.

For the 84.305H, 84.305L, and 84.324L competitions, peer reviewers

will be asked to evaluate the significance of the application, the quality of the partnership, the quality of the research plan, the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. These criteria are described in greater detail in the RFAs.

For all of the Institute's competitions, applications should include budgets no higher than the relevant maximum award as set out in the relevant RFA. The Institute will not make an award exceeding the relevant maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Institute 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 Institute 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 Institute also 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 of Education (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 these competitions the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Institute 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. *Grant Administration:* Applicants should budget for an annual two-day meeting for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, 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 Institute. 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 Institute under 34 CFR 75.118. The Institute 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.*

5. *Performance Measures:* To evaluate the overall success of its education research and special education research grant programs, the Institute annually assesses the percentage of projects that result in peer-reviewed publications, the number of newly developed or modified interventions with evidence of promise for improving student education outcomes, and the number of Institute-supported interventions with evidence of efficacy in improving student outcomes including school readiness outcomes for young children and student academic outcomes and social and behavioral competencies for school-age students. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in core academic content areas (reading, writing, math, and science) and outcomes that reflect students' successful progression through the education system (*e.g.,* course and grade completion; high school graduation; postsecondary enrollment, progress, and completion). Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to student's academic and post-academic success. Additional education outcomes for students with or at risk of a disability (as defined in the relevant RFA) include developmental outcomes for infants and toddlers (birth to age three) pertaining to cognitive, communicative, linguistic, social, emotional, adaptive, functional, or physical development; and developmental and functional outcomes that improve education outcomes, transition to employment, independent living, and postsecondary education for students with disabilities.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Institute considers, among other things: Whether a grantee has made substantial progress in meeting 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 Institute has established performance measurement requirements, whether the grantee has

met the performance targets in the grantee's approved application.

In making a continuation award, the Institute 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 RFA in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the appropriate program contact person listed in the chart at the end of this notice.

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 this 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 16, 2018.

Mark Schneider,

Director, Institute of Education Sciences.

CFDA No. and name	Application package available	Deadline for transmittal of applications	Estimated range of awards *	Project period	For further information contact
National Center for Education Research (NCER)					
84.305A Education Research. ▪ Career and Technical Education ▪ Cognition and Student Learning ▪ Early Learning Programs and Policies ▪ Education Leadership ▪ Education Technology ▪ Effective Teachers and Effective Teaching ▪ English Learners ▪ Improving Education Systems ▪ Postsecondary and Adult Education ▪ Reading and Writing ▪ Science, Technology, Engineering, and Mathematics Education ▪ Social and Behavioral Context for Academic Learning ▪ Special Topics ○ Social Studies ○ Foreign Language Education	June 21, 2018	August 23, 2018	$100,000 to $760,000	Up to 5 years	Molly Faulkner-Bond *Molly.Faulkner-Bond@ed.gov.*
84.305C Education Research and Development Centers. ▪ Improving Rural Education ▪ Writing in Secondary Schools	June 21, 2018	August 9, 2018	$1,000,000 to $2,000,000	Up to 5 years	Corinne Alfed *Corinne.Alfed@ed.gov.*
84.305D Statistical and Research Methodology in Education. ▪ Statistical and Research Methodology Grants ▪ Early Career Statistical and Research Methodology Grants	June 21, 2018	August 23, 2018	$40,000 to $300,000	Up to 3 years	Phill Gagne *Phill.Gagne@ed.gov.*
84.305H Partnerships and Collaborations Focused on Problems of Practice or Policy. ▪ Researcher-Practitioner Partnerships in Education Research ▪ Evaluation of State and Local Education Programs and Policies	June 21, 2018	August 23, 2018	$50,000 to $1,000,000	Up to 5 years	Allen Ruby *Allen.Ruby@ed.gov.*
84.305L Low-Cost, Short-Duration Evaluation of Education Interventions.	January 10, 2019	March 7, 2019	$50,000 to $125,000	Up to 2 years	Phill Gagne *Phill.Gagne@ed.gov.*
National Center for Special Education Research (NCSER)					
84.324A Special Education Research.					

CFDA No. and name	Application package available	Deadline for transmittal of applications	Estimated range of awards*	Project period	For further information contact
▪ Autism Spectrum Disorders ▪ Cognition and Student Learning in Special Education ▪ Early Intervention and Early Learning in Special Education ▪ Families of Children with Disabilities ▪ Professional Development for Teachers and School-Based Service Providers ▪ Reading, Writing, and Language Development ▪ Science, Technology, Engineering, and Mathematics Education ▪ Social and Behavioral Outcomes to Support Learning ▪ Special Education Policy, Finance, and Systems ▪ Technology for Special Education ▪ Transition Outcomes for Secondary Students with Disabilities ▪ Special Topics ○ Career and Technical Education for Students with Disabilities ○ English Learners with Disabilities ○ Systems-Involved Students with Disabilities	June 21, 2018	August 23, 2018	$100,000 to $760,000	Up to 5 years	Amy Sussman *Amy.Sussman@ed.gov.*
84.324B Research Training Programs in Special Education. ▪ Early Career Development and Mentoring	June 21, 2018	August 23, 2018	$50,000 to $125,000	Up to 4 years	Katherine Taylor *Katherine.Taylor@ed.gov.*
84.324L Low-Cost, Short-Duration Evaluation of Special Education Interventions.	January 10, 2019	March 7, 2019	$50,000 to $125,000	Up to 2 years	Sarah Brasiel *Sarah.Brasiel@ed.gov.*
84.324N Research Networks Focused on Critical Problems of Policy and Practice in Special Education. ▪ Research Team	June 21, 2018	August 9, 2018	$300,000 to $1,000,000	Up to 5 years	Amy Sussman *Amy.Sussman@ed.gov.*

* These estimates are annual amounts.
Note: The Department is not bound by any estimates in this notice.
Note: If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

[FR Doc. 2018–10802 Filed 5–18–18; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–479–000]

Notice of Applications; Portland Natural Gas Transmission System

Take notice that on May 7, 2018, Portland Natural Gas Transmission System (Portland Natural Gas), 700 Louisiana Street, Suite 700, Houston, TX 77002–2700, filed an application under section 7(c) of the Natural Gas Act (NGA) (15 U.S.C. section 717 f(c)) and Parts 157 of the Commission's rules and regulations for Phase II of the Portland Xpress Project. Portland Natural Gas requests authorization to increase the certificated capacity on its jointly-owned system from Westbrook, Maine, to Dracut, Massachusetts, by 11.321 million cubic feet per day (MMcf/d), and approval of a lease between Portland Natural Gas and Maritimes & Northeast Pipeline, L.L.C., effective November 1, 2019, all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Portland Natural Gas states that it's Phase II of the Portland XPress Project would expand gas service delivery options for the New England market. Portland Natural Gas proposes no construction or modifications to its existing system facilities in connection with this request, and as such, there are no costs associated with the project except for the lease payment as further described in the application.

Any questions regarding this application should be directed to Robert Jackson, Manager, Certificates & Regulatory Administration, Portland Natural Gas Transmission System, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, or call (832) 320–5487, or email: *robert_jackson@transcanada.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other

milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 4, 2018.

Dated: May 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10751 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3193–012; ER11–2042–013; ER11–2041–013; ER10–2924–012; ER10–2718–028; ER10–2538–009; ER14–1317–008; ER10–3028–004; ER17–2074–002; ER17–2364–002; ER10–2719–028; ER16–2462–007; ER14–2500–008; ER14–2498–008; ER10–2961–013; ER10–3099–020.

Applicants: Brooklyn Navy Yard Cogeneration Partners, L.P., Seneca Energy II, LLC, Innovative Energy Systems, LLC, Kleen Energy Systems, LLC, Cogen Technologies Linden Venture, L.P., Panoche Energy Center, LLC, Sunshine Gas Producers, LLC, Elk Hills Power, LLC, Burney Forest Products, A Joint Venture, St. Joseph Energy Center, LLC, East Coast Power Linden Holding, L.L.C., Oregon Clean Energy, LLC, Newark Energy Center, LLC, EIF Newark, LLC, Edgecombe Genco, LLC, RC Cape May Holdings, LLC.

Description: Notice of Non-Material Change in Status of the Ares EIF Notice Parties.

Filed Date: 5/14/18.

Accession Number: 20180514–6208.

Comments Due: 5 p.m. ET 6/4/18.

Docket Numbers: ER17–1414–002.

Applicants: DTE Electric Company.

Description: Compliance filing: Reactive Revenue Compliance Filing to be effective 6/1/2017.

Filed Date: 5/15/18.

Accession Number: 20180515–5111.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1580–000.

Applicants: Black Hills/Colorado Electric Utility Company.

Description: eTariff filing per 1450: Response to Order to Show Cause under EL18–76 to be effective 3/21/2018.

Filed Date: 5/11/18.

Accession Number: 20180511–5239.

Comments Due: 5 p.m. ET 6/1/18.

Docket Numbers: ER18–1583–000.

Applicants: Black Hills Power, Inc.

Description: eTariff filing per 1450: Response to Order to Show Cause under EL18–65 to be effective 3/21/2018.

Filed Date: 5/14/18.

Accession Number: 20180514–5014.

Comments Due: 5 p.m. ET 6/4/18.

Docket Numbers: ER18–1585–000.

Applicants: Rockland Electric Company, PJM Interconnection, L.L.C.

Description: eTariff filing per 1450: RECO submits revisions to OATT, Att. H–12, Schedules 7 & 8 re: EL18–111 to be effective 12/31/9998.

Filed Date: 5/14/18.

Accession Number: 20180514–6002.

Comments Due: 5 p.m. ET 6/4/18.

Docket Numbers: ER18–1588–000.

Applicants: New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, New York Independent System Operator, Inc.

Description: eTariff filing per 1450: NYSEG and RG&E response to show cause order re: Corporate income tax rate change to be effective 1/1/2018.

Filed Date: 5/14/18.

Accession Number: 20180514–6027.

Comments Due: 5 p.m. ET 6/4/18.

Docket Numbers: ER18–1591–000.

Applicants: FirstEnergy Solutions Corp.

Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to an Affiliate.

Filed Date: 5/14/18.

Accession Number: 20180514–6043.

Comments Due: 5 p.m. ET 6/4/18.

Docket Numbers: ER18–1595–000.

Applicants: Monongahela Power Company, The Potomac Edison Company, West Penn Power Company, PJM Interconnection, L.L.C.

Description: eTariff filing per 1450: APS submits revisions to OATT Attachment H–11 re Tax Reform EL18–101 to be effective 3/21/2018.

Filed Date: 5/14/18.
Accession Number: 20180514–6075.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1596–000.
Applicants: Sky River LLC.
Description: eTariff filing per 1450: Response to Order to Show Cause to be effective 3/21/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6089.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1598–000.
Applicants: Central Hudson Gas & Electric Corporation, New York Independent System Operator, Inc.
Description: eTariff filing per 1450: Central Hudson response to show cause order re: Corporate income tax rate change to be effective 7/1/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6104.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1599–000.
Applicants: Ohio Valley Electric Corporation.
Description: eTariff filing per 1450: Response to Order to Show Cause under EL18–105 to be effective 3/21/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6106.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1600–000.
Applicants: Alcoa Power Generating Inc.
Description: eTariff filing per 1450: Response to Order to Show Cause (Long Sault Division OATT) under EL18–72 to be effective 3/21/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6112.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1601–000.
Applicants: Alcoa Power Generating Inc.
Description: eTariff filing per 1450: Response to Order to Show Cause (Tapoco Division OATT) under EL18–73 to be effective 3/21/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6118.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1602–000.
Applicants: Cube Yadkin Transmission LLC.
Description: eTariff filing per 1450: Response to Order to Show Cause to be effective 3/21/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6120.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1603–000.
Applicants: Nevada Power Company.
Description: eTariff filing per 1450: OATT Tax Rate Changes in Compliance with Show Cause Order 03/18/18 to be effective 3/21/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6121.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1604–000.
Applicants: Cogentrix of Alamosa, LLC.
Description: § 205(d) Rate Filing: Notification of Succession and Update to Tariff to be effective 5/15/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6160.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1605–000.
Applicants: Diablo Winds, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Notice of Change in Status to be effective 5/14/2018.
Filed Date: 5/14/18.
Accession Number: 20180514–6177.
Comments Due: 5 p.m. ET 6/4/18.
Docket Numbers: ER18–1606–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Notice of cancellation of Adjacent Balancing Authority Coordination Agreement (Rate Schedule No. 29) of Midwest Independent Transmission System Operator, Inc.
Filed Date: 5/15/18.
Accession Number: 20180515–5168.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1607–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–05–15 Tariff revisions to clarify Manual Redispatch Processes to be effective 5/16/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5175.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1608–000.
Applicants: Portland General Electric Company
Description: Compliance filing: Order 842 Filing to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5179.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1609–000.
Applicants: Public Service Company of New Mexico.
Description: Compliance filing: Order 842 Compliance Filing to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5183.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1610–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised ISA, SA No. 4776, Queue No. AB1–014/AC2–066 to be effective 4/16/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5190.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1611–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Notification of Tariff Discrepancy and Request for Limited Tariff Waiver of Midcontinent Independent System Operator, Inc.
Filed Date: 5/15/18.
Accession Number: 20180515–5208.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1612–000.
Applicants: Southern California Edison Company.
Description: Compliance filing: SCE Compliance Filing Amended WDAT GIP—Order No. 842 to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5213.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1613–000.
Applicants: Alcoa Power Generating Inc.
Description: Compliance filing: Order No. 842 Compliance Filing (Long Sault Divison OATT) to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5215.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1614–000.
Applicants: Alcoa Power Generating Inc.
Description: Compliance filing: Order No. 842 Compliance Filing (Tapoco Divison OATT) to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5216.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1615–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 31 18th Rev—NITSA with Phillips 66 Company to be effective 7/1/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5227.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1616–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2018–05–15 Frequency Response FERC Order 842 Compliance to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5228.
Comments Due: 5 p.m. ET 6/5/18.
Docket Numbers: ER18–1617–000.
Applicants: Alabama Power Company.
Description: Compliance filing: Order No. 842 Compliance Filing to be effective 5/15/2018.
Filed Date: 5/15/18.
Accession Number: 20180515–5233.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1618–000.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Primary Frequency Response to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5236.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1619–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA SA No. 5071; Queue No. AB1–132 to be effective 4/16/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5239.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1620–000.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: Compliance filing Order No. 842 tariff revisions to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5241.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1621–000.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: FERC Order No. 842 Amendment to Wholesale Distribution Tariff GIP, SGIA, LGIA to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5242.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1622–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of Service Agreement No. 4038; Queue No. Z2–001 to be effective 5/29/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5243.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1623–000.

Applicants: Louisville Gas and Electric Company.

Description: Compliance filing: Order No. 842 Compliance Filing to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5244.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1624–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL–FPUC Revisions to the NITSA No. 337 to be effective 4/16/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5249.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1625–000.

Applicants: Florida Power & Light Company.

Description: Compliance filing: FPL Order No. 842 Compliance Filing to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5250.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1626–000.

Applicants: Sky River LLC.

Description: Compliance filing: Sky River LLC Order No. 842 Compliance Filing to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5251.

Comments Due: 5 p.m. ET 6/5/18.

Docket Numbers: ER18–1627–000.

Applicants: Ohio Valley Electric Corporation.

Description: Compliance filing: Order No. 842 Compliance Filing to be effective 5/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5267.

Comments Due: 5 p.m. ET 6/5/18.

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 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10725 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–147–000]

Notice of Complaint; Alabama Municipal Electric Authority and Cooperative Energy v. Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Southern Company Services, Inc.

Take notice that on May 10, 2018, pursuant to sections 206 and 306, of the Federal Power Act, 16 U.S.C. 824e and 825e (2012) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2018), Alabama Municipal Electric Authority and Cooperative Energy (collectively, Joint Complainants) filed a formal complaint against Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Southern Company Services, Inc., acting as an agent for the transmission owning subsidiaries of the Southern Company (collectively, Southern Companies or Respondents) alleging that the 11.25% base return on common equity currently included in the formula transmission rate of the Southern Companies is unjust and unreasonable and should be reduced with refunds made effective as of the filing date of the Complaint, as more fully explained in the complaint.

Joint Complainants certify that copies of the complaint were served in accordance with rule 206(c).

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 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the Complainant.

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 June 4, 2018.

Dated: May 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10728 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–24–000]

Notice of Request for Temporary Waiver; Merit Energy Company, LLC, Lambda Energy Resources, LLC

Take notice that on May 14, 2018, pursuant to Rule 204 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.204, Merit Energy Company, LLC and Lambda Energy Resources, LLC filed a petition seeking waiver of ICA sections 6 and 20 and Commission's implementing regulations at 18 CFR parts 341 and 357 with respect to the Kalkaska, Michigan pipeline which transports ethane and other natural gas liquids, and is being sold by Merit Energy Company, LLC to Lambda Energy Resources, LLC or an affiliate of Lambda, all as more fully explained in the petition.

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 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 31, 2018.

Dated: May 15, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10757 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM93–11–000]

Notice of Annual Change in the Producer Price Index for Finished Goods; Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992

The Commission's regulations include a methodology for oil pipelines to change their rates through use of an index system that establishes ceiling levels for such rates. The Commission bases the index system, found at 18 CFR 342.3, on the annual change in the Producer Price Index for Finished Goods (PPI–FG), plus one point two three percent (PPI–FG + 1.23). The Commission determined in an *Order Establishing Index Level,*[1] issued December 17, 2015, that PPI–FG + 1.23 is the appropriate oil pricing index factor for pipelines to use for the five-year period commencing July 1, 2016.

The regulations provide that the Commission will publish annually, an index figure reflecting the final change in the PPI–FG, after the Bureau of Labor Statistics publishes the final PPI–FG in May of each calendar year. The annual average PPI–FG index figures were 191.9 for 2016 and 198.0 for 2017.[2] Thus, the percent change (expressed as a decimal) in the annual average PPI–FG from 2016 to 2017, plus 1.23 percent, is positive 0.044087.[3] Oil pipelines must multiply their July 1, 2017, through June 30, 2018, index ceiling levels by positive 1.044087 [4] to compute their index ceiling levels for July 1, 2018, through June 30, 2019, in accordance with 18 CFR 342.3(d). For guidance in calculating the ceiling levels for each 12 month period beginning January 1, l995,[5] *see Explorer Pipeline Company,* 71 FERC 61,416 at n.6 (1995).

In addition to publishing the full text of this Notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print this Notice via the internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426. The full text of this Notice is available on FERC's Home Page at the eLibrary link. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's website during normal business hours. For assistance, please contact the Commission's Online Support at 1–866–208–3676 (toll free) or 202–502–6652 (email at *FERCOnlineSupport@ferc.gov*), or the Public Reference Room at 202–502–8371, TTY 202–502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

[1] 153 FERC 61,312 at P 52 (2015).

[2] Bureau of Labor Statistics (BLS) publishes the final figure in mid-May of each year. This figure is publicly available from the Division of Industrial Prices and Price Indexes of the BLS, at 202–691–7705, and in print in August in Table 1 of the annual data supplement to the BLS publication Producer Price Indexes via the internet at *http://www.bls.gov/ppi/home.htm.* To obtain the BLS data, scroll down to PPI Databases and click on Top Picks of the Commodity Data including headline FD–ID indexes (Producer Price Index—PPI). At the next screen, under the heading PPI Commodity Data, select the box, Finished goods—WPUFD49207, then scroll to the bottom of this screen and click on Retrieve data.

[3] [198.0 − 191.9]/191.9 = 0.031787 + 0.0123 = + 0.044087.

[4] 1 + 0.044087 = 1.044087.

[5] For a listing of all prior multipliers issued by the Commission, see the Commission's website, *http://www.ferc.gov/industries/oil/gen-info/pipeline-index.asp.*

Dated: May 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10756 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–13–000]

Commission Information Collection Activities (FERC–537); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–537 (Gas Pipeline Certificates: Construction, Acquisition, and Abandonment).

DATES: Comments on the collection of information are due July 20, 2018.

ADDRESSES: You may submit comments (identified by Docket No. IC18–13–000) by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–537 (Gas Pipeline Certificates: Construction, Acquisition, and Abandonment.

OMB Control No.: 1902–0060.

Type of Request: Three-year extension of the FERC–537 information collection requirements with no changes to the current reporting requirements.

Abstract: The FERC–537 information collection requires natural gas companies to file the necessary information with FERC in order for the Commission to determine if the requested certificate should be authorized. Certain self-implementing construction and abandonment programs do not require the filing of applications. However, those types of programs do require the filing of annual reports, so many less significant actions can be reported in a single filing/response and less detail would be required.

The data required to be submitted in a normal certificate filing consists of identification of the company and responsible officials, factors considered in the location of the facilities and the impact on the area for environmental considerations. Also to be submitted are the following, as applicable to the specific request:

- Flow diagrams showing the design capacity for engineering design verification and safety determination;
- Cost of proposed facilities, plans for financing, and estimated revenues and expenses related to the proposed facility for accounting and financial evaluation.
- Existing and proposed storage capacity and pressures and reservoir engineering studies for requests to increase storage capacity;
- An affidavit showing the consent of existing customers for abandonment of service requests.

Additionally, requests for an increase of pipeline capacity must include a statement that demonstrates compliance with the Commission's Certificate Policy Statement by making a showing that the cost of the expansion will not be subsidized by existing customers and that there will not be adverse economic impacts to existing customers, competing pipelines or their customers, nor to landowners and to surrounding communities.

Type of Respondents: Natural gas companies.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–537

[Gas pipeline certificates: Construction, acquisition, and abandonment]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response [2] (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent (5) ÷ (1) [3]
18 CFR 157.5–.11 (Interstate Certificate and Abandonment Applications).	52	1.19	62	500 hrs.; $39,500.	31,000; $2,449,000.	$47,096
18 CFR 157.53 (Pipeline Purging/Testing Exemptions).	1	1	1	50 hrs.; $3,950 ..	50 hrs.; $3,950 ..	3,950
18 CFR 157.201–.209; 157.211; 157.214–.218 (Blanket Certificates Prior to Notice Filings).	21	1.86	39	200 hrs; $15,800	7,800 hrs.; $616,200.	29,343
18 CFR 157.201–.209; 157.211; 157.214–.218 (Blanket Certificates—Annual Reports).	129	[4] 1.05	135	50 hrs.; $3,950 ..	6,750 hrs.; $533,250.	4,134

[1] ''Burden'' is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

FERC–537—Continued

[Gas pipeline certificates: Construction, acquisition, and abandonment]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response [2] (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent (5) ÷ (1) [3]
18 CFR 284.11 (NGPA Section 311 Construction—Annual Reports).	83	[5] 1.01	84	50 hrs.; $3,950 ..	4,200 hrs.; $331,800.	3,998
18 CFR 284.8	178	0	0	N/A	N/A	N/A
18 CFR 284.13(e) and 284.126(a) (Interstate and Intrastate Bypass Notice).	2	1	2	30 hrs.; $2,370 ..	60 hrs.; $4,740 ..	2,370
18 CFR 284.221 (Blanket Certificates) [6].	5	[7] 1.4	7	100 hrs.; $7,900	700 hrs.; $55,300.	11,060
18 CFR 224 (Hinshaw Blanket Certificates).	2	1	2	75 hrs.; $5,925 ..	150 hrs.; $11,850.	5,925
18 CFR 157.5–.11; 157.13–.20 (Non-facility Certificate or Abandonment Applications).	3	1	3	75 hrs.; $5,925 ..	225 hrs.; $17,775.	5,925
Total			[8] 335		50,935 hrs.; $4,023,865.	

Comments: Comments are invited on: (1) Kwhether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $79.00/hour = Average cost/response. The figure is the 2018 FERC average hourly cost (for wages and benefits) of $79.00 (and an average annual salary of $164,820/year). Commission staff is using the FERC average salary because we consider any reporting requirements completed in response to the FERC–537 to be compensated at rates similar to the work of FERC employees.

[3] Each of the figures in this column are rounded to the nearest dollar.

[4] This figure was derived from 135 responses ÷ 129 respondents = 1.046 or ~1.05 responses/respondent.

[5] This figure was derived from 84 responses ÷ 83 respondents = 1.012 or ~1.01 responses/respondent.

[6] One-time filings, new tariff and rate design proposal, or request for exemptions.

[7] This figure was derived from 7 responses ÷ 5 respondents = 1.4 responses/respondent.

[8] The 335 responses are derived from 214 individual respondents.

Dated: May 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10753 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2897–048, 2932–047, 2941–043, 2931–042, 2942–051]

Notice of Applications Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, Recommendations, and Prescriptions; S.D. Warren Company

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Applications:* Surrender of License; Amendment of Licenses.

b. *Project Nos.:* 2897–048 (Surrender); 2932–047, 2941–043, 2931–042, 2942–051 (Amendments).

c. *Date Filed:* March 23, 2018.

d. *Applicant:* S.D. Warren Company.

e. *Name of Projects:* Saccarappa Hydroelectric Project (Surrender); Mallison Falls, Little Falls, Gambo, and Dundee Hydroelectric Projects (Amendments).

f. *Location:* On the Presumpscot River in Westbrook, Cumberland County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Barry Stemm, Engineering Manager, Sappi North America, P.O. Box 5000, Westbrook, ME 04098, (207) 856–4584, and Briana K. O'Regan, Esq., Assistant General Counsel, Sappi North America, 179 John Roberts Road, South Portland, ME 04106, (207) 854–7070.

i. *FERC Contact:* Dr. Jennifer Ambler, (202) 502–8586, or *jennifer.ambler@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions: 30 Days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket numbers P–2897–048,

P–2932–047, P–2941–043, P–2931–042, and/or P–2942–051, as appropriate.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project Facilities:*

The Saccarappa Project (P–2897–048) consists of two 10- to 12-foot-high concrete diversion dams, referred to as eastern and western spillways, separated by an island, a headgate structure, a concrete-lined forebay, and a powerhouse containing three turbine-generator units with a total rated generating capacity of 1,350 kilowatts (kW). The project also includes a 345-foot-long tailrace channel and two bypass reaches measuring 475 and 390 feet long extending from the respective spillway to the downstream end of the tailrace channel.

The Mallison Falls Project (P–2932–047) includes a 358-foot-long, 14-foot-high concrete, masonry and cut granite diversion dam, a headgate structure, an intake power canal, and a powerhouse containing two turbine-generator units with a total rated generating capacity of 800 kW. The Mallison Falls Dam creates an 8-acre impoundment. The project has a 675-foot-long bypass reach between the dam and the powerhouse tailwaters.

The Little Falls Project (P–2941–043) includes a 310-foot-long, 14-foot-high L-shaped concrete and masonry dam that creates a 29-acre impoundment extending 1.7 miles to the tailwaters of the Gambo Project, and a powerhouse integral with the dam, containing four turbine-generator units with a total rated generating capacity of 1,000 kW. The project has a 300-foot-long bypass reach between the upper section of the dam and the powerhouse tailwaters.

The Gambo Project (P–2931–042) includes a 300-foot-long, 24-foot-high concrete dam, a headgate structure, an intake and power canal, and a powerhouse containing four turbine-generator units with a total rated generating capacity of 1,900 kW. The Gambo Dam creates a 151-acre impoundment. The project has a 300-foot-long bypass reach between the dam and the powerhouse tailwaters.

The Dundee Project (P–2942–051) includes a 1,492-foot-long, 50-foot-high concrete dam that creates a 197-acre impoundment, extending 1.7 miles upstream to the tailwaters of the North Gorham Project (P–2519), and a powerhouse integral with the dam, containing three turbine-generator units with a total rated generating capacity of 2,400 kW. The Dundee Project also includes a 1,075-foot-long tailrace channel, which creates a bypass reach.

l. *Description of Requests:*

For the Saccarappa Project (P–2897–048):

The licensee filed an application to surrender its license for the Saccarappa Project. The licensee proposes to: (1) Remove the existing powerhouse and other ancillary structures; (2) remove the eastern and western spillways; (3) partially fill the existing tailrace; (4) construct a double Denil fishway within the filled tailrace area to provide fish passage over the lower falls; (5) alter and repair the tailrace guard wall to support the operation of the Denil; (6) construct a fish counting facility at the exit of the Denil; and (7) modify the bedrock in the eastern and western channels to facilitate nature-like fish passage over both the eastern and western sections of the upper falls.

For the Mallison Falls (P–2932–047), Little Falls (P–2941–043), Gambo (P–2931–042), and Dundee (P–2942–051) Projects:

Concurrent with the request to surrender the license for the Saccarappa Project as described above, the licensee proposes to amend its upstream project licenses for the Mallison Falls, Little Falls, Gambo, and Dundee Projects to: (1) Amend the Mallison Falls Project license (the next upstream project from Saccarappa) to include the new Denil fish passage facilities built at the Saccarappa Dam site; (2) extend by ten years, until 2053, the license expiration dates for its four upstream projects (Mallison Falls, Little Falls, Gambo, and Dundee Projects); and (3) remove all fish passage requirements from the Gambo and Dundee licenses.

The proposed actions reflect conditions agreed to by parties to a Settlement Agreement executed on November 15, 2016, as amended on March 7, 2018, between the licensee and the U.S. Department of the Interior and the U.S. Fish and Wildlife Service; Maine Department of Marine Resources; Conservation Law Foundation; Friends of the Presumpscot River; and City of Westbrook, Maine.

These applications have been accepted for filing and are now ready for environmental analysis.

m. This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, MOTION TO INTERVENE, RECOMMENDATIONS, TERMS AND CONDITIONS, or PRESCRIPTIONS, as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the licensee's requests that are the subject of this notice. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all

other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

q. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: May 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10755 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD18–12–000; Docket No. EL17–45–000; Docket No. ER18–370–000]

Notice Inviting Post-Technical Conference Comments; Transmission Planning Within the California Independent System Operator Corporation; California Public Utilities Commission, Northern California Power Agency, City and County of San Francisco, State Water Contractors, Transmission Agency of Northern California v. Pacific Gas and Electric Company; Southern California Edison Company

On May 1, 2018, Federal Energy Regulatory Commission (Commission) staff convened a technical conference to discuss the processes used by participating transmission owners (PTOs) in the California Independent System Operator Corporation (CAISO) to determine which transmission-related maintenance and compliance activities/facilities, including, but not limited to, transmission-related capital additions, are subject to the CAISO Transmission Planning Process (TPP).

All interested persons are invited to file post-technical conference comments on the topics relating to the processes used by PTOs to determine which activities/facilities are subject to the CAISO TPP as discussed during the technical conference, including the questions listed in the Supplemental Notice issued in this proceeding on April 10, 2018. Commission staff is particularly interested in comments on the following topics:

1. Technical conference participants used the terms asset management and asset management program during the technical conference. Please provide a definition for those terms when they are used to address or administer transmission capability.

2. Describe the criteria, standards, or industry best practices that the PTOs use in their asset management programs or activities.

3. Technical conference participants used the terms ''incremental'' and ''incidental'' at the technical conference. Provide a definition for those terms when they are used to describe any increases to transmission capability that result from the use of new technology when replacing one-for-one assets.

4. Explain how any incremental or incidental increases to transmission capacity are accounted for by each PTO in relation to ''asset management'' activities, and how these increases in transmission capacity are communicated to CAISO.

5. Technical conference participants used the terms ''expansion'' and ''enhancement'' at the technical conference. Provide the definitions of those terms when they are used to describe certain changes to the configuration of the CAISO transmission system resulting from ''asset management'' activities that are subject to the CAISO TPP.

6. Do CAISO's tariff or BPMs provide guidance and clarity to CAISO PTOs regarding what transmission-related maintenance and compliance activities/facilities must be considered and reviewed through CAISO's TPP? If so, please list the relevant sections.

7. How does each CAISO PTO decide whether to pursue reliability related transmission-related maintenance and compliance activities/facilities that are not required by the North American Electric Reliability Corporation (NERC), Western Electricity Coordinating Council (WECC), or other regulatory entities? What criteria or parameters are used by each CAISO PTO to make this decision? Where are such criteria or parameters documented or otherwise made available?

8. Is there a difference between (a) the process through which each CAISO PTO pursues solutions to transmission-related maintenance and compliance activities/facilities that arise from NERC and WECC reliability standards or reliability standards established by other regulatory entities, and (b) the process through which each CAISO PTO pursues solutions to other transmission-related maintenance and compliance activities/facilities? If so, please explain (1) the difference between the two processes and (2) elaborate on the reasons for the differences.

9. What benefits and/or concerns, if any, would arise from introducing greater transparency and more opportunities for stakeholder input into each CAISO PTO's asset management process in the early stages of the assessment, ranking, and selection of particular ''asset management'' projects? To the extent that you support additional opportunities for stakeholder input, please describe the ideal format and/or frequency of such opportunities.

Commenters need not respond to all topics or questions asked. Commenters may reference materials previously filed in the above-captioned dockets, including the technical conference transcript, but are encouraged to avoid repetition or replication of previous material. Initial comments must be submitted on or before May 31, 2018, and reply comments must be submitted on or before June 15, 2018. Initial comments should not exceed 15 pages and reply comments should not exceed 10 pages.

For further information, please contact individuals identified for each topic:

Technical Information, Laura Switzer, Office of Energy Markets Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6231, *laura.switzer@ferc.gov.*

Legal Information for Docket Nos. AD18–12–000 and EL17–45–000, Linda Kizuka, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8773, *linda.kizuka@ferc.gov.*

Legal Information for Docket Nos. AD18–12–000 and ER18–370–000, Susanna Ehrlich, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6260, *susanna.ehrlich@ferc.gov.*

Dated: May 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10724 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP10–1398–006.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Compliance filing Opinion No. 528–B Compliance Filing to be effective 4/1/2011.

Filed Date: 5/14/18.

Accession Number: 20180514–6176.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–813–000.

Applicants: MC Global Gas Corporation, Mitsubishi Corporation.

Description: Joint Petition of Mitsubishi Corporation, et al. for Temporary Waiver of Capacity Release Requirements and Related Interstate Pipeline Tariff Provisions.

Filed Date: 5/14/18.

Accession Number: 20180514–6198.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–814–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Reservation of Capacity to be effective 6/15/2018.

Filed Date: 5/15/18.

Accession Number: 20180515–5152.

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 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10726 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2325–077; Project No. 2322–054; Project No. 2574–069]

Notice of Application for Amendment of License To Extend Operational Dates for Volitional Upstream Fish Passage and Soliciting Comments, Motions To Intervene, and Protests; Brookfield White Pine Hydro, LLC, Merimil Limited Partnership

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license.

b. *Project Nos:* P–2325–077, P–2322–054, P–2574–069.

c. *Date Filed:* March 20, 2018.

d. *Applicants:* Brookfield White Pine Hydro, LLC, and Merimil Limited Partnership.

e. *Name of Projects:* Weston, Shawmut, and Lockwood Hydroelectric Projects.

f. *Locations:* The three projects are located on the Kennebec River in Somerset and Kennebec Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kelly Maloney, Licensing and Compliance Manager, Brookfield White Pine Hydro, LLC, 150 Main Street, Lewiston, ME 04240; (207) 775–5605.

i. *FERC Contact:* B. Peter Yarrington (202) 502–6129; *peter.yarrington@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests: 30 Days from the issuance of this notice.

All documents may be filed electronically via the internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. 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.

Please include the docket numbers (P–2325–077, P–2322–054, and P–2574–069, as needed) on any comments, motions, or recommendations filed.

k. *Description of Request:* Brookfield White Pine Hydro, LLC, licensee for the Weston (P–2325) and Shawmut (P–2322) Projects, and Merimil Limited Partnership, licensee for the Lockwood Project (2574), together request amendment of the Interim Species Protection Plan (Interim SPP) that the Commission approved for the three projects in an order issued May 19, 2016. The Interim SPP identifies measures that will be implemented at the three projects in the years 2013 through 2019 to protect federally-listed endangered Atlantic salmon. Under the Interim SPP and subsequent extensions of time, volitional upstream fish passage facilities are being designed and constructed at the projects, and are to be operational in May 2019 at the Shawmut Project, and in May 2020 at the Weston and Lockwood Projects. In their request, the licensees request that two years be added to the operational dates for those facilities at each project, so that those facilities would be operational in May 2021 at the Shawmut Project, and in May 2022 at the Weston and Lockwood Projects. The licensees request the extension so that they can complete, collaboratively with state and federal resource agencies and other entities, a feasibility assessment of options for multi-dam fish passage which would include but not be limited to options in the Interim SPP.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS; PROTESTS, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: May 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10754 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Prohibited:

Docket No.	File date	Presenter or requester
1. CP15–554–000	5–1–2018	Lewis Airstrip, LLC.
2. CP15–554–000	5–7–2018	Joseph Romano.
3. CP15–554–000	5–9–2018	Lewis Airstrip, LLC.

Exempt:

Docket No.	File date	Presenter or requester
1. CP17–117–000, CP17–118–000	4–30–2018	U.S. Congress.[1]
2. CP17–117–000, CP17–118–000	4–30–2018	FERC Staff.[2]
3. CP17–458–000	4–31–2018	FERC Staff.[3]
4. CP17–458–000	4–31–2018	FERC Staff.[4]
5. P–10808–000	5–2–2018	Midland County Board of Commissioners.[5]
6. P–2082–062, P–14803–000	5–7–2018	Jackson County Board of Commissioners.[6]
7. CP15–93–000	5–7–2018	U.S. Senator Sherrod Brown.
8. CP15–550–000, CP15–551–000	5–10–2018	U.S. Congress.[7]

[1] Senators Bill Cassidy and John Kennedy. House Representatives Steve Scalise, Garret Graves, Ralph Abraham, Clay Higgins, and Mike Johnson.

[2]

[3] Record of 4–24–18 conference call with Environmental Resources Management, Inc. and Midship Pipeline, LLC.

[4] Record of 4–30–18 conference call with Environmental Resources Management, Inc. and Midship Pipeline, LLC.

[5] Commissioner Jeanette M. Snyder.

[6] Chairman Rick Dyer, and Commissioners Bob Strosser and Colleen Roberts.

[7] Senators Bill Cassidy and John Kennedy. House Representatives Steve Scalise, Garret Graves, Ralph Abraham, Clay Higgins, and Mike Johnson.

Dated: May 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10729 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF18–4–000]

Western Area Power Administration; Notice of Filing

Take notice that on May 4, 2018, Western Area Power Administration submitted tariff filing per: CRSP_OLM_WAPA177–20180504 to be effective 6/1/2018.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. 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 June 4, 2018.

Dated: May 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10727 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–146–000]

Notice of Petition for Declaratory Order; KCP&L Greater Missouri Operations Company

Take notice that on May 11, 2018, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2017), KCP&L Greater Missouri Operations Company (Petitioner), filed a petition for a declaratory order requesting that the Commission find that payment of dividends from FERC Account 211—Miscellaneous Paid in Capital, until such time as Petitioner has retained earnings to pay the full dividend amount to its sole shareholder, Great Plains Energy (or its successor), complies with section 305(a) of the Federal Power Act,[1] as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 June 11, 2018.

[1] 16 U.S.C. 825d.

Dated: May 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–10752 Filed 5–18–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9976–69—Region 6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Yuhuang Chemical Company, Inc. Methanol Plant, St James Parish Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petitions for objection to Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated April 2, 2018 denying Petitions dated March 30, 2017 and August 3, 2017 from the Louisiana Environmental Action Network and the Sierra Club (collectively, the Petitions and Petitioners, respectively). The Petitions requested that the EPA object to the Clean Air Act (CAA) title V operating permit 1560–00295–V1 issued on June 30, 2017 by the Louisiana Department of Environmental Quality (the LDEQ) to Yuhuang Chemical Company, Inc. (YCI) for its Methanol Plant located in St. James, St. James Parish, Louisiana.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. You may review copies of the final Order, the Petition, and other supporting information at the EPA Region 6 Office, 1445 Ross Avenue, Suite 700, Dallas, TX 75202. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order and Petition are available electronically at: *https://www.epa.gov/*

title-v-operating-permits/title-v-petition-database.

FOR FURTHER INFORMATION CONTACT: Brad Toups, EPA Region 6, by phone (214) 665–7258, or email at *toups.brad@epa.gov*.

SUPPLEMENTARY INFORMATION: The CAA affords the EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issues arose after this period.

The EPA received the Petitions from the Petitioners dated March 30, 2017 and August 3, 2017, requesting that the EPA object to the issuance of operating permit no. 1560–00295–V1, issued by the LDEQ to YCI in St. James Parish, Louisiana. The Petitioners requested that the Administrator object to the proposed operating permit on several bases which are described in detail in Section IV of the Order. In summary, the issues raised include: Emissions limits for preconstruction purposes were not properly made (various claims, introduction to Order Section IV); and numerous claims concerning monitoring of emissions, such as the Steam Methane Reformer (SMR) carbon monoxide (CO) and Auxiliary Boiler CO emissions (Section IV.A.); claims concerning SMR volatile organic compound (VOC) emissions (Section IV.B.); claims concerning Auxiliary Boiler VOC emissions (Section IV.C.); claims concerning fugitive CO emissions (Section IV.D.), claims concerning truck, railcar, and marine loading VOC emissions (Section IV.E.); claims concerning storage tank VOC and hazardous air pollutant (HAP) emissions (Section IV.F.); and claims concerning flare VOC, particulate matter (PM), and CO emissions (Section IV.G.). The Order issued on April 2, 2018 responds to all claims in both petitions and explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than June 11, 2018.

Dated: May 14, 2018.

Anne Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–10774 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA HQ–OA–2008–0701; FRL–9977–91–OA]

Proposed Information Collection Request; Comment Request; Focus Groups as Used by EPA for Economics Projects (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Focus Groups as used by EPA for Economics Projects (Renewal)'' (EPA ICR No. 2205.17, OMB Control No. 2090–0028) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed renewal of the ICR, which is currently approved through September 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 20, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OA–2008–0701, online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Nathalie Simon, Office of Policy, (MC 1809T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–2347; fax number: 202–566–2338 email address: *simon.nathalie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Environmental Protection Agency (EPA) is seeking renewal of a generic information collection request (ICR) for the conduct of focus groups and protocol interviews (hereafter jointly referred to as focus groups) related to economics projects. Over the next three years, the Agency anticipates working on a number of survey development efforts associated with a variety of economics projects including those related to valuation of ecosystems, health risk reductions, and improvements to coastal waters, to name a few. Focus groups are an important part of any survey development process, allowing

researchers to directly gauge what specific issues are important to the public and providing a means for explicitly testing draft survey materials. Through these focus groups, the Agency will be able to gain a more in-depth understanding of the public's attitudes, beliefs, motivations and feelings regarding specific issues and will provide valuable information regarding the quality of draft survey instruments.

The information collected in the focus groups will be used to develop and improve economics-related surveys. To the extent that these surveys are ultimately successfully administered, they will serve to expand the Agencies understanding of benefits and costs of a variety of actions and could provide the means to quantitatively assess the effects of others. Participation in the focus groups will be voluntary and the identity of the participants will be kept confidential.

Form Numbers: None.

Respondents/affected entities: Individuals.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 1,584 (total).

Frequency of response: Once.

Total estimated burden: 2,745 hours (total). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $0, includes $0 annualized capital or operation & maintenance costs.

Changes in estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: May 1, 2018.

Al McGartland,

Director, National Center for Environmental Economics, Office of Policy.

[FR Doc. 2018–10793 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9977–98—Region 6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Pasadena Refining System, Pasadena Refinery, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petition for objection to Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated May 1, 2018, granting in part and denying in part a Petition dated November 8, 2016 from the Environmental Integrity Project, Sierra Club, Texas Environmental Justice Advocacy Services, and Air Alliance Houston. The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to Pasadena Refining System (Pasadena) for its Pasadena Refinery located in Harris County, Texas.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. You may review copies of the final Order, the Petition, and other supporting information at the EPA Region 6 Office, 1445 Ross Avenue, Dallas, Texas 75202–2733. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order and Petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, EPA Region 6, (214) 665–7596, *wilson.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received the Petition from the Environmental Integrity Project, Sierra Club, Texas Environmental Justice Advocacy Services, and Air Alliance Houston dated November 8, 2016, requesting that the EPA object to the issuance of operating permit no. O3711, issued by TCEQ to Pasadena Refinery in Harris County, Texas. The Petition claims that: (1) The proposed permits' incorporation by reference of minor NSR authorizations fails to assure compliance with applicable requirements, (2) the proposed permits' incorporation by reference of Permit by Rule (PBR) and Standard Exemption authorizations fails to assure compliance with applicable requirements, (3) the proposed permits' incorporation by reference of minor NSR permits and PBRs that apply to the same emission unit makes it impossible to determine the emission limits that apply to such units, (4) the proposed permit fails to require monitoring, recordkeeping, and reporting requirements that assure compliance with applicable limits (PBRs and Standard Exemptions), (5) the proposed permit fails to establish monitoring, recordkeeping, and reporting requirements that assure compliance with emission limits for multiple emission units (Claims C, D, E, F, and G), (6) the proposed permit fails to require monitoring that assures compliance with the emission limits for Pasadena Refining's flares, (7) the proposed permit fails to require monitoring that assures compliance with the 90% removal efficiency requirement for the acid relief neutralization system, and (8) the proposed permit fails to specify and assure compliance with planned maintenance, startup, and shutdown emission limits and operating requirements for boiler #6.

On May 1, 2018, the EPA Administrator issued an Order granting in part and denying in part the Petition. The Order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than July 20, 2018.

Dated: May 14, 2018.

Anne L. Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–10761 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9977–97–OW]

Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Supplemental Restoration Plan and Environmental Assessment for the Elmer's Island Access Project Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; request for public comments.

SUMMARY: On December 20, 2017, the Environmental Protection Agency (EPA) published a Notice of Availability of the *Deepwater Horizon* Oil Spill Louisiana Trustee Implementation Group (Louisiana TIG) Draft Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Draft RP/EA #2) and requested comments from the public. In response to the public comments received on the Elmer's Island Access project proposed in the Draft RP/EA #2, the Louisiana TIG is proposing a modification to the original Elmer's Island Access project feature. In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the Federal and State natural resource trustee agencies for the Louisiana TIG prepared a Draft Supplemental Restoration Plan and Environmental Assessment for the Elmer's Island Access Project Modification (Draft Supplemental RP/EA). The Draft Supplemental RP/EA evaluates the proposed change to the Elmer's Island Access project and alternatives considered by the Louisiana TIG under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and evaluates their environmental effects in accordance with NEPA. The proposed modification to the Elmer's Island Access project is consistent with the restoration alternatives selected in the *Deepwater Horizon* oil spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The purpose of this notice is to inform the public of the availability of the Draft Supplemental RP/EA and to seek public comments on the document.

DATES: The Louisiana TIG will consider public comments received on or before June 20, 2018.

Public Meeting: The Louisiana TIG will also take verbal comments at a public meeting that will be held at the Tulane River and Coastal Center on May 22, 2018; Open House 5:30 p.m., Meeting 6:00 p.m.; 1370 Port of New Orleans Place, New Orleans, LA 70130.

ADDRESSES: *Obtaining Documents:* You may download the Draft Supplemental RP/EA at any of the following sites:

- *http://www.gulfspill restoration.noaa.gov.*
- *http://www.la-dwh.com.*

Alternatively, you may request a CD of the Draft Supplemental RP/EA (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

Submitting Comments: You may submit comments on the Draft Supplemental RP/EA by one of the following methods:

- *Via the Web: http://www.gulfspill restoration.noaa.gov/restoration-areas/louisiana.*
- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345.
- *In Person:* Verbal comments may be provided at the public meeting on May 22, 2018.

Once submitted, comments cannot be edited or withdrawn. The Louisiana TIG may publish any comment received on the document. 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 Louisiana TIG 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). Please be aware that your entire comment, including your personal identifying information, will become part of the public record. Please note that mailed comments must be postmarked on or before the comment deadline of 30 days following publication of this notice to be considered.

FOR FURTHER INFORMATION CONTACT:

- Louisiana—Joann Hicks, 225–342–5477.
- EPA—Tim Landers, 202–566–2231.

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days.

The Trustees conducted the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*). Under OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The *Deepwater Horizon* oil spill Trustees are:

- U.S. Environmental Protection Agency (EPA);
- U.S. Department of the Interior (DOI), as represented by the National Park Service,

U.S. Fish and Wildlife Service, and Bureau of Land Management;

- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- State of Louisiana Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator's Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF), and Department of Natural Resources (LDNR);
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas Parks and Wildlife Department, General Land Office, and Commission on Environmental Quality.

On April 4, 2016, the Trustees reached and finalized a settlement of their natural resource damage claims

with BP in a Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Louisiana Restoration Area are now chosen and managed by the Louisiana TIG. The Louisiana TIG is composed of the following Trustees: CPRA, LOSCO, LDEQ, LDWF, LDNR, EPA, DOI, NOAA, USDA.

Background

In the December 2017 Draft RP/EA #2, the Louisiana TIG presented to the public its plan for providing partial compensation for recreational use services lost as a result of the *Deepwater Horizon* oil spill. The public comment period for the Draft RP/EA #2 began on December 20, 2017, and closed on February 2, 2018. The Louisiana TIG hosted a public meeting on January 24, 2018, in New Orleans. The Draft RP/EA #2 proposed four restoration projects, evaluated in accordance with OPA and NEPA, including the Elmer's Island Access project. As proposed, the Elmer's Island Access project would enhance recreational opportunities within the Elmer's Island Refuge by incorporating a suite of features to improve upon existing access points, enhance the natural features of the area through reconnected hydrology, and develop a solution for improved access for recreational fishing activities targeting the eastern portion of Elmer's Island adjacent to Caminada Pass. In response to the public comments received on the Elmer's Island Access project proposed in the Draft RP/EA #2, the Louisiana TIG is proposing a modification to the original project feature. This modification would eliminate the proposed boardwalk and associated small boat launch and parking area at Elmer's Island, and provide a beach shuttle service that would allow improved public access to Caminada Pass, the most popular location for recreational fishing on Elmer's Island. The Louisiana TIG has prepared the Draft Supplemental RP/EA to inform the public about the proposed modification to the Elmer's Island Access project and to seek public comment.

Next Steps

The public is encouraged to review and comment on the Draft Supplemental RP/EA. A public meeting is scheduled to also help facilitate the public review and comment process. Comments provided on the Draft Supplemental RP/EA will be considered along with comments previously received on the Draft RP/EA #2. A summary of comments received on the Draft Supplemental RP/EA and the Draft RP/EA #2 and the Louisiana TIG's responses, where applicable, will be included in the Final Restoration Plan/Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Final RP/EA #2). Public comments on the Draft Supplemental RP/EA will inform the Louisiana TIG's decision on whether to select the Elmer's Island Access project, as modified, in the Final RP/EA #2.

Administrative Record

The documents comprising the Administrative Record for the Draft Supplemental RP/EA can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/administrativerecord.*

Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

Dated: May 3, 2018.

Benita Best-Wong,

Acting Principal Deputy Assistant Administrator, Office of Water.

[FR Doc. 2018–10112 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9039–04–OP]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or *https://www2.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 05/07/2018 Through 05/11/2018
Pursuant to 40 CFR 1506.9

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20180095, Final, USFWS, CA, Final Environmental Impact Statement/Environmental Impact Report for the South Sacramento Habitat Conservation Plan, Review Period Ends: 06/21/2018, Contact: Nina Bicknese 916–414–6633.

EIS No. 20180096, Final Supplement, BLM, CA, Palen Solar Project (formerly Palen Solar Power Project), Final Supplemental Environmental Impact Statement/Environmental Impact Report/Land Use Plan Amendment, Review Period Ends: 06/21/2018, Contact: Mark DeMaio 760–833–7124.

EIS No. 20180097, Final, USFS, CO, Travel Management—Rico West Dolores Roads and Trails Project, Review Period Ends: 06/21/2018, Contact: Deborah Kill 970–882–6822.

EIS No. 20180098, Final, USFS, MT, Starry Goat, Review Period Ends: 06/21/2018, Contact: Lisa Osborn 406–295–7426.

EIS No. 20180099, Draft, FAA, AZ, Tucson International Airport—Airfield Safety Enhancement Project, Comment Period Ends: 07/09/2018, Contact: David B. Kessler, AICP 310–725–3615.

EIS No. 20180100, Final, USFS, CO, P District-wide Salvage Project, Review Period Ends: 07/05/2018, Contact: Mike Tooley 719–274–6321.

EIS No. 20180101, Draft Supplement, Caltrans, CA, SR 710 North Study FRDEIR/SDEIS_05–09–18, Comment Period Ends: 07/05/2018, Contact: Jason Roach 213–897–0357.

EIS No. 20180102, Draft, NMFS, FL, Coral Habitat Areas Considered for Habitat Areas of Particular Concern Designation in the Gulf of Mexico, Comment Period Ends: 07/05/2018, Contact: Lauren Waters 727–209–5991.

EIS No. 20180103, Final, USFWS, CA, Otay River Estuary Restoration Project, South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge, California, Final Environmental Impact Statement, Review Period Ends: 06/21/2018, Contact: Brian Collins 619–575–2704.

Dated: May 17, 2018.

Brittany Bolen,

Acting Assistant Administrator, Office of Policy.

[FR Doc. 2018–10937 Filed 5–18–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–6759]

Establishing Effectiveness for Drugs Intended To Treat Male Hypogonadotropic Hypogonadism Attributed to Nonstructural Disorders; 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 guidance for industry entitled ''Establishing Effectiveness for Drugs Intended to Treat Male Hypogonadotropic Hypogonadism Attributed to Nonstructural Disorders.'' This guidance provides recommendations for establishing clinical effectiveness for drugs intended to treat male hypogonadotropic hypogonadism associated with obesity and other conditions that do not cause structural disorders of the hypothalamus or pituitary gland. This guidance incorporates advice FDA received at a December 2014 advisory committee meeting on the appropriate indicated population for testosterone therapy and a December 2016 advisory committee meeting on hypogonadotropic hypogonadism. This guidance finalizes the draft guidance of the same name issued on January 3, 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on May 21, 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–2017–D–6759 for ''Establishing Effectiveness for Drugs Intended to Treat Male Hypogonadotropic Hypogonadism Attributed to Nonstructural Disorders; 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 this 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. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jeannie Roule, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 22, Rm. 5332, Silver Spring, MD 20993–0002, 301–796–3993.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Establishing Effectiveness for Drugs Intended to Treat Male Hypogonadotropic Hypogonadism Attributed to Nonstructural Disorders.'' This guidance provides recommendations for establishing clinical effectiveness for drugs intended to treat male hypogonadotropic hypogonadism associated with obesity and other conditions that do not cause structural disorders of the hypothalamus or pituitary gland. This guidance incorporates advice FDA received at a December 2014 advisory committee meeting on the appropriate indicated population for testosterone therapy and a December 2016 advisory committee meeting on hypogonadotropic hypogonadism. This guidance finalizes the draft guidance of the same name issued on January 3, 2018 (83 FR 383). The guidance includes editorial changes and a new sentence clarifying that the recommendations do not apply to testosterones and testosterone esters seeking the traditional indication of replacement therapy in adult males for conditions associated with a deficiency or absence of endogenous testosterone.

This guidance is being issued consistent with FDA's good guidance

practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on establishing effectiveness for drugs intended to treat male hypogonadotropic hypogonadism attributed to nonstructural disorders. 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 guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10732 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA 2018–D–1711]

Cytomegalovirus in Transplantation: Developing Drugs To Treat or Prevent Disease; 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 ''Cytomegalovirus in Transplantation: Developing Drugs to Treat or Prevent Disease.'' The purpose of this guidance is to assist sponsors in all phases of development of drugs and biologics for the treatment or prevention of cytomegalovirus (CMV) disease in patients who have undergone solid organ transplantation (SOT) or hematopoietic stem cell transplantation (HSCT).

DATES: Submit either electronic or written comments on the draft guidance by July 20, 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–1711 for ''Cytomegalovirus in Transplantation: Developing Drugs to Treat or Prevent Disease; 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. 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: Jeffrey Murray, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6360, Silver Spring, MD 20993–0002, 301–796–1500.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Cytomegalovirus in Transplantation: Developing Drugs to Treat or Prevent

Disease.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the treatment or prevention of CMV disease in patients who have undergone SOT or HSCT. Specifically, this guidance addresses FDA's current thinking regarding the overall development program and clinical trial designs for the development of drugs and biologics to support an indication for the treatment or prevention of CMV disease in post-transplant populations. This guidance does not address drug development for the prevention or treatment of congenital CMV infection or CMV infection in patients other than those undergoing SOT or HSCT.

This guidance also discusses the use of CMV DNAemia (CMV deoxyribonucleic acid in blood determined by polymerase chain reaction, an indirect measure of CMV viremia) as a surrogate endpoint in trials designed to support accelerated approval.

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 developing drugs to treat or prevent CMV disease in transplantation. 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 draft guidance refers to previously approved collections of information that 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 parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10733 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0821]

Agency Information Collection Activities; Proposed Collection; Comment Request; Investigation of Consumer Perceptions of Expressed Modified Risk Claims

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the investigation of consumer perceptions of expressed modified risk claims.

DATES: Submit either electronic or written comments on the collection of information by July 20, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 20, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of July 20, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–0821 for ''Investigation of Consumer Perceptions of Expressed Modified Risk Claims.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked

as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Investigation of Consumer Perceptions of Expressed Modified Risk Claims

OMB Control Number 0910—NEW

FDA's Center for Tobacco Products proposes to conduct a study to develop generalizable scientific knowledge to help inform its implementation of section 911 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 387k), wherein FDA will be evaluating information submitted to the Agency about how consumers understand and perceive modified risk tobacco products (MRTPs). Section 911 of the FD&C Act authorizes FDA to grant orders to persons to allow the marketing of MRTPs. The term ''modified risk tobacco product'' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products. FDA can issue a risk modification order under section 911(g)(1) of the FD&C Act authorizing the marketing of a MRTP only if the Agency determines that the product, as it is used by consumers, will significantly reduce harm and the risk of tobacco-related disease to individual tobacco users and benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products (section 911(g)(1) of the FD&C Act). Alternatively, with respect to tobacco products that may not be commercially marketed under section 911(g)(1) of the FD&C Act, FDA may issue an exposure modification order under section 911(g)(2) of the FD&C Act authorizing the marketing of a MRTP if, the Agency determines that the standard in section 911(g)(2) of the FD&C Act is met, including, among other requirements, that: Any aspect of the label, labeling, or advertising that would cause the product to be an MRTP is limited to an explicit or implicit representation that the tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke; the order would be appropriate to promote the public health; the issuance of the order is expected to benefit the population as a whole taking into account both users and nonusers of tobacco products; and the existing evidence demonstrates that a measurable and substantial reduction in morbidity and mortality among individual tobacco users is reasonably likely to be shown in subsequent studies (section 911(g)(2) of the FD&C Act). In addition, section 911 of the FD&C Act requires that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all the diseases and health-related conditions associated with the use of tobacco products (section 911(h)(1) of the FD&C Act). The proposed research will inform the Agency's efforts to implement the provisions of the FD&C Act related to MRTPs.

FDA proposes conducting a study to assist in determining appropriate methods for gathering information about how consumers perceive and understand modified risk information. The study would develop and validate measures of consumer perceptions of health risk from using tobacco products. Moreover, the study would test how participants' responses on these measures are affected by viewing modified risk labeling or advertising, participants' characteristics such as prior beliefs about the harmfulness of tobacco products, current use of tobacco products, and sociodemographic characteristics. Finally, the study would examine factors that may influence the effectiveness of debriefing at the end of a consumer perception study to ensure that people read and recall key information about the study. This research is significant because it will validate methods that can be used in studies of the impact of labels, labeling, and advertising on consumer perceptions and understanding of the risks of product use.

Measures of consumer health risk perception will be developed and validated by conducting a study on two product types: Moist snuff smokeless tobacco products and electronic cigarette (e-cigarette) products. For each product type, we will assess individual-level factors that may moderate the impact of modified risk information on consumer responses. Potential moderating factors under study include: Beliefs (prior to viewing the modified risk information) about the harmfulness of tobacco products, and the strength with which those beliefs are held; current tobacco use behaviors; and sociodemographic characteristics including age and educational attainment. For each product type, participants will be randomized to view one of two conditions: Tobacco product labeling and advertising that either does or does not contain modified risk claims about a product. The labeling will consist of a product package. The

advertising will consist of a print advertisement. The study will assess participants' perceptions of various health risks from using the product, as well as their perceptions of health risk from using the product compared to smoking cigarettes, using nicotine replacement therapies, and quitting all tobacco and nicotine products. The study will also assess participants' intentions to use the product and their level of doubt about whether tobacco products are harmful to users' health. Measures of intentions and doubt will be used to help assess the validity of the measures of health risk perception.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Invitation: Young Adults (Ages 18–25)	29,000	1	29,000	0.02	580
Invitation: Adults (Ages 26+)	29,000	1	29,000	0.02	580
Consent and Screener: Young Adults (Ages 18–25)	11,000	1	11,000	0.10	1,100
Consent and Screener: Adults (Ages 26+)	16,500	1	16,500	0.10	1,650
Study: Young Adults (Ages 18–25)	3,300	1	3,300	0.33	1,089
Study: Adults (Ages 26+)	3,300	1	3,300	0.33	1,089
Total					6,088

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's burden estimate is based on prior experience with research that is similar to this proposed study. Approximately 58,000 people will receive a study invitation, estimated to take 1 minute to read (approximately 0.02 hours), for a total of 1,160 hours for invitations. Approximately 27,500 people will complete the informed consent and screener to determine eligibility for participation in the study, estimated to take 6 minutes (0.10 hours), for a total of 2,750 hours for informed consent and screening activities. Approximately 6,600 people will complete the full study, estimated to take 20 minutes (approximately 0.33 hours), for a total of 2,178 hours for study completion activities. The estimated total hour burden of the collection of information is 6,088 hours.

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10723 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1708]

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Blood Products Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. At least one portion of the meeting will be closed to the public.

DATES: The meeting will be held on June 22, 2018, from 11 a.m. to 4:20 p.m.

ADDRESSES: Great Room A, Building 31, FDA White Oak Campus, 10903 New Hampshire Ave., Silver Spring, MD 20993. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Bryan Emery or Joanne Lipkind, Division of Scientific Advisors and Consultants, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, Bldg. 71, Rm. 6132, at 240–402–8054, *bryan.emery@fda.hhs.gov* and Rm. 6270, at 240–402–8106, *joanne.lipkind@fda.hhs.gov,* respectively, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting. For those unable to attend in person, the meeting will also be available via webcast. The webcast will be available at the following link: *https://collaboration.fda.gov/bpac0618/.*

SUPPLEMENTARY INFORMATION:

Agenda: On June 22, 2018, in the morning open session, under Topic 1, the Committee will hear presentations on the research programs in the Laboratory of Emerging Pathogens (LEP), Laboratory of bacterial and TSE Agents (LBTSE), and from the Laboratory of Molecular Virology (LMV) in the Division of Emerging Transfusion-Transmitted Diseases (DETTD), Office of Blood Research and Review (OBRR), Center for Biologics Evaluation and Research (CBER), FDA. After the conclusion of the open session, the meeting will be closed to permit discussion where disclosure would constitute an unwarranted invasion of personal privacy in accordance with 5 U.S.C. 552b(c)(6).

In the afternoon, in open session, under Topic II, the Committee will hear presentations on the research program in the Hemostasis Branch (HB), in the Division of Plasma Protein Therapeutics (DPPT), Office of Tissues and Advanced Therapies (OTAT), Center for Biologics Evaluation and Research (CBER), FDA. After the open session, the meeting will be closed to the public to permit discussion where disclosure would constitute an unwarranted invasion of personal privacy in accordance with 5 U.S.C. 552.b(c)(6).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will

be made publicly available at the venue of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material will be available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On June 22, 2018, from 11 a.m. to 12:55 p.m. and 2:20 p.m. to 3:45 p.m.., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before June 15, 2018. Oral presentations from the public will be scheduled between approximately 12:25 p.m. to 12:55 p.m. and from 3:15 p.m. to 3:45 p.m. on June 22, 2018. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before June 7, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 8, 2018.

Closed Committee Deliberations: On June 22, 2018 between 12:55 p.m. and 1:40 p.m. and between 3:45 p.m. and 4:20 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). During the closed sessions, the Committee will discuss the research progress made by staff involved in the intramural research programs and make recommendations regarding personnel actions and staffing.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app.2).

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10734 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0001]

Advisory Committee; Anesthetic and Analgesic Drug Products Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Anesthetic and Analgesic Drug Products Advisory Committee (the Committee) by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until May 1, 2020.

DATES: Authority for the Committee will expire on May 1, 2020, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Moon Hee Choi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002; 301–796–9001, email: *AADPAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant to 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the Committee. The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner.

The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products including analgesics, *e.g.,* abuse-deterrent opioids, novel analgesics, and issues related to opioid abuse, and those for use in anesthesiology and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of 11 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of anesthesiology, analgesics (such as: abuse deterrent opioids, novel analgesics, and issues related to opioid abuse) epidemiology or statistics, and related specialties. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/AnestheticandAnalgesicDrugProductsAdvisoryCommittee/default.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please check *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10731 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0052]

Documenting Electronic Data Files and Statistical Analysis Programs; 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 revised guidance for industry (GFI) #197 entitled ''Documenting Electronic Data Files and Statistical Analysis Programs.'' This draft revised guidance is provided to inform sponsors of recommendations for documenting electronic data files and statistical analyses submitted to the Center for Veterinary Medicine (CVM) to support new animal drug applications.

DATES: Submit either electronic or written comments on the draft revised guidance by July 20, 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–2009–D–0052 for ''Documenting Electronic Data Files and Statistical Analysis Programs.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Virginia Recta, Center for Veterinary Medicine (HFV–160), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0840, *virginia.recta@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft revised GFI #197 entitled ''Documenting Electronic Data Files and Statistical Analysis Programs.'' This draft revised guidance is provided to inform sponsors of recommendations for documenting electronic data files and statistical analyses submitted to CVM to support new animal drug applications. These recommendations are intended to reduce the number of revisions that may be required for CVM to effectively review data submissions and to simplify submission preparation by providing a recommended documentation framework.

II. Significance of Guidance

This level 1 draft revised 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 ''Documenting Electronic Data Files and Statistical Analysis Programs.'' 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.

III. 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 514 have been approved under OMB control number 0910–0032.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *https://www.regulations.gov.*

Dated: May 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–10722 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0361]

Mary C. Holloway; Order Revoking a Proposed Order of Debarment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is revoking a proposed order, under the Federal Food, Drug, and Cosmetic Act (FD&C Act), to debar Mary C. Holloway (Holloway) for 5 years from providing services in any capacity to a person that has an approved or pending drug product application. Holloway, through counsel, filed a request for a hearing, as well as information and analysis in support of that request, in response to the proposed debarment order. FDA has determined that pursuing debarment of Holloway is no longer appropriate.

DATES: This order is applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Nathan Sabel, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4206, Silver Spring, MD 20993, 301–796–8588.

SUPPLEMENTARY INFORMATION:

I. Background

On April 8, 2009, Holloway, formerly a regional sales manager at Pharmacia & Upjohn Company, Inc. (Pharmacia), pled guilty to a Federal misdemeanor offense under sections 301(a), 303(a)(1), and 502(f) of the FD&C Act (21 U.S.C. 331(a), 333(a)(1), and 352(f)). In June 2009, the U. S. District Court for the District of Massachusetts entered the conviction and sentenced Holloway to probation. The basis for the conviction was Holloway's involvement in Pharmacia's introduction into interstate commerce of its drug BEXTRA, a pain reliever and anti-inflammatory, for the unapproved use of treating pre- and postoperative surgical pain. Before it was removed from the market several years later, BEXTRA was only approved for treatment of arthritis and primary dysmenorrhea. In September 2009, Pharmacia pled guilty to a felony violation of the FD&C Act for the promotion of BEXTRA and other drugs for unapproved uses.

By letter dated January 20, 2010, FDA's Office of Regulatory Affairs (ORA) notified Holloway of a proposal to debar her for 5 years from providing services in any capacity to a person having an approved or pending drug product application. The proposal stated that Holloway is subject to permissive debarment based on a finding, under section 306(b)(2)(B)(i) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(i)), that she was convicted of a misdemeanor under Federal law for conduct relating to the regulation of a drug product and that the type of conduct serving as the basis for the conviction undermines the process for the regulation of drugs. The proposal further concluded that Holloway should be debarred for the maximum period of 5 years under section 306(c)(2)(A)(iii) of the FD&C Act based on four applicable considerations in section 306(c)(3).

In a letter dated February 18, 2010, through counsel, Holloway requested a hearing on the proposal. On March 24, 2010, Holloway submitted materials and arguments in support of her request. In her submissions, Holloway acknowledged her conviction of a misdemeanor under Federal law. Holloway conceded that she is subject to debarment as a result of this conviction, but she argues nonetheless that she is entitled to a hearing to determine whether permissive debarment is appropriate. Specifically, Holloway argued that, with respect to the considerations for determining the appropriateness and period of debarment under section 306(c)(3) of the FD&C Act, there are genuine and substantial issues of fact for resolution at a hearing.

By letter dated April 3, 2013, the Office of the Commissioner, in order to determine whether granting a hearing would be appropriate, requested that ORA submit a response to Holloway's request for a hearing. ORA was invited to include any documentary evidence, information, or analysis that it deemed appropriate in support of its response. Holloway was afforded an opportunity to submit evidence and arguments in opposition. ORA submitted its response on August 30, 2013. Holloway, through counsel, replied to ORA's response on November 15, 2013.

Under § 12.26 (21 CFR 12.26), if FDA determines upon review of a request for hearing that the order at issue should be modified or revoked, FDA may modify or revoke the order by notice in the **Federal Register**. Based upon a review of the record, the Acting Chief Scientist concludes that it is appropriate under § 12.26, in this instance, to revoke the proposed order to debar Holloway for 5 years.

II. Arguments

In the proposal to debar Holloway for 5 years, ORA noted that there are four applicable considerations for determining the appropriateness and period of Holloway's debarment under section 306(c)(3) of the FD&C Act: (1) The nature and seriousness of her offense under section 306(c)(3)(A); (2) the nature and extent of management participation in the offense under section 306(c)(3)(B); (3) the nature and extent of voluntary steps taken to mitigate the impact on the public under section 306(c)(3)(C); and (4) prior convictions involving matters within the jurisdiction of FDA under section 306(c)(3)(F). ORA found that the first three of those considerations weigh in favor of debarment and noted, as to the fourth consideration, that FDA is unaware of any prior convictions. In finding that the each of the first three considerations weighs in favor of debarment, ORA appears to have characterized Holloway's conduct based on contested allegations from Holloway's criminal proceedings.

Holloway challenged both ORA's conclusions with respect to all three considerations in dispute and the factual underpinnings of those conclusions. Holloway contended that, under section 306(i) of the FD&C Act, FDA may not take any action under sections 306(b) or section 306(c) with respect to any person ''unless [FDA] has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact.'' Section 306(c)(3) explicitly requires that FDA consider, ''where applicable,'' certain factors ''[i]n determining the appropriateness and the period of debarment'' for any permissive debarment.

In proposing to debar Holloway for 5 years, ORA appears to have based its findings with respect to certain considerations in section 306(c)(3) of the FD&C Act largely on the factual

allegations in the criminal information to which Holloway pled guilty under her plea agreement. As Holloway argues, however, the records of her criminal proceedings reflect that she did not admit to any of the specific factual allegations in the information during the plea colloquy conducted by the court. In fact, her attorney during the criminal proceedings explicitly stated, ''[The information] contains many allegations that Ms. Holloway disputes.'' After the prosecution summarized the evidence that it planned to introduce at trial, which closely mirrored the allegations in the information, the court accepted Holloway's guilty plea on the basis of the following exchange:

THE COURT: Okay. I gather that some of the facts are in dispute; is that correct?

THE DEFENDANT: Correct.

THE COURT: Do you want to make a statement or, counsel, do you want to make a statement?

* * * * *

[DEFENSE COUNSEL]: Ms. Holloway is, she is prepared to admit that she promoted BEXTRA for off label usage, and she understands that that constitutes the introduction of BEXTRA into interstate commerce with inadequate directions for use.

THE COURT: All right. Ms. Holloway, do you agree, do you accept your counsel's representation as to the facts that you accept to be true?

THE DEFENDANT: Yes, ma'am.

In her request for a hearing and subsequent submissions (March 24, 2010, and November 15, 2013), Holloway argued that her lack of admission to any specific facts during her criminal proceedings calls into question ORA's findings with respect to certain considerations under section 306(c)(3). In addition, with regard to certain ORA allegations in the proposed order to debar Holloway (January 20, 2010), and in support of facts weighing against debarment, Holloway has presented particularized challenges supported by explanations or documentary evidence.

After a review of the record, the Acting Chief Scientist concludes that, given the exceptional circumstances of this matter, it appears that it would likely be necessary to grant the pending request for a hearing. Such a hearing would require a broad scope to address any genuine and substantial issues of fact that are material to weighing the applicable considerations under section 306(c)(3) of the FD&C Act. As a result of this extraordinary posture, the scope of the disputed facts in this matter includes many of the facts that a prior criminal proceeding would typically have established, as well as those additional facts in dispute that relate to certain of the applicable debarment considerations in section 306(c)(3) of the FD&C Act. Because few factual findings relating to Holloway's specific conduct and actions between December 2001 and April 2005 underlying her 2009 conviction were generated during the criminal proceedings, a hearing to establish ORA's proposed findings would require a substantial devotion of the Agency's limited resources to this individual debarment proceeding.

The Acting Chief Scientist has weighed the Agency's limited resources against the factors that weigh in favor of proceeding to evaluate ORA's proposed debarment order at an evidentiary hearing. Chief among these countervailing considerations are the nature and seriousness of the offense articulated by ORA and the Agency's interest in effectuating the remedial purpose of the statute in furtherance of the public health. The Acting Chief Scientist has accorded significant weight to those countervailing considerations but, in reaching a decision in this matter, has balanced those considerations against the extraordinary resources necessary to conduct an evidentiary hearing on the factual underpinnings for ORA's proposed findings as to the considerations in section 306(c)(3) of the FD&C Act, when there were few specific facts established as part of the criminal proceeding.

After a careful evaluation of the arguments and information provided by both ORA and Holloway as they relate to the nature and breadth of the factual disputes at issue here, and after a consideration of the resources necessary to proceed under this unusual set of circumstances, the Acting Chief Scientist has determined that the revocation of the proposed order to debar Holloway is appropriate in this instance.

III. Order

Upon review of the request for hearing, evidence, and arguments, the Acting Chief Scientist revokes the January 20, 2010, proposed order to debar Holloway and provides this notice of revocation in the **Federal Register** as required by § 12.26.

Dated: May 14, 2018.

Denise Hinton,

Acting Chief Scientist.

[FR Doc. 2018–10685 Filed 5–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Recruitment of Sites for Assignment of National Health Service Corps Scholarship Program Participants

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces that the listing of entities that will receive priority for assignments of National Health Service Corps (NHSC) Scholarship recipients (NHSC scholars) was posted on the Health Workforce Connector website (formerly known as the NHSC Jobs Center) at *https://connector.hrsa.gov/.* The Health Workforce Connector includes sites approved to receive an assignment of NHSC scholars who are available for service during the period of October 1, 2018, through September 30, 2019, as well as the site's Health Professional Shortage Area (HPSA) scores. Please note that entities on this list may or may not have current job vacancies.

DATES: Entities interested in providing additional data and information in support of their inclusion on the proposed listing, or in support of a higher priority determination, must do so in writing no later than June 20, 2018.

ADDRESSES: Entities wishing to submit information to support an entity's inclusion on the list or to request a higher priority determination should submit it to Beth Dillon, Director, Division of Regional Operations, Bureau of Health Workforce, 1961 Stout Street, Denver, CO 80294. HRSA will consider this information when preparing the final list of entities that receive priority for the assignment of NHSC scholars.

SUPPLEMENTARY INFORMATION: The program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Evaluation and Selection Process

In approving applications for the assignment of NHSC scholars, the HHS Secretary shall give priority to any such application that is made for a position in a HPSA with the greatest shortage. HPSAs of greatest shortage are defined by its HPSA scores.

For the program year October 1, 2018, through September 30, 2019, priority for assignment of NHSC scholars will be

determined as follows: (1) Primary medical care HPSAs with scores of 18 and above are authorized for the assignment of NHSC scholars who are primary care physicians, primary care nurse practitioners, primary care physician assistants, or certified nurse midwives; (2) mental health HPSAs with scores of 18 and above are authorized for the assignment of NHSC scholars who are psychiatrists, mental health nurse practitioners, or mental health physician assistants; and (3) dental HPSAs with scores of 18 and above are authorized for the assignment of NHSC scholars who are dentists. The NHSC has determined that a minimum HPSA score of 18 for all service-ready NHSC scholars will enable it to meet its statutory obligation to identify a number of entities eligible for NHSC scholar placement that is at least equal to, but not greater than, twice the number of NHSC scholars available to serve in the 2018–2019 placement cycle.

Beginning on April 1, 2019, and on or about April 1 of each subsequent year, HRSA will publish on its website *https://connector.hrsa.gov/,* the HPSA scores used to determine priority for assignment of NHSC scholars for placement cycles after September 30, 2019, and entities that would receive priority for the placement of NHSC scholars. Entities wishing to provide additional data and information to support their inclusion on the proposed list of entities receiving priority in assignment of NHSC scholars, or to support a higher priority determination, must do so in writing no later than May 1, 2019, or within 30 days following the publication of a revised list in subsequent years.

Sites wishing to request an additional scholar must complete an Additional Scholar Request form available at *http://nhsc.hrsa.gov/downloads/additionalrequestform.pdf.* NHSC-approved sites that do not meet the authorized threshold HPSA may post job openings on the Health Workforce Connector; however, scholars seeking placement will be advised that they can only compete for positions at sites that meet the threshold that is in effect at the time they seek to be placed at an NHSC-approved site. Although vacancies in HPSAs that have scores less than the authorized threshold are not eligible for scholar placements, such vacancies will be used by the NHSC when evaluating the HPSA threshold score for the next annual scholarship placement cycle.

Application Requests

The list of HPSAs and entities eligible to receive priority for the placement of NHSC scholars is updated periodically. New entities may be added to the Health Workforce Connector during a Site Application competition. Likewise, entities that no longer meet eligibility criteria, including those sites whose 3-year approval as an NHSC service site has lapsed or whose HPSA designation has been withdrawn or whose withdrawal is being processed, will be removed from the priority listing.

Dated: May 15, 2018.

George Sigounas,

Administrator.

[FR Doc. 2018–10699 Filed 5–18–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information for the Development of the Fiscal Year 2021–2023 Trans-NIH Strategic Plan for HIV and HIV-Related Research

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: Through this Request for Information (RFI), the Office of AIDS Research (OAR) in the Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), National Institutes of Health (NIH), invites feedback from investigators in academia, industry, health care professionals, patient advocates and health advocacy organizations, scientific or professional organizations, federal agencies, community, and other interested constituents on the development of the fiscal year (FY) 2021–2023 Trans-NIH Strategic Plan for HIV and HIV-Related Research (the Plan). The Plan is designed to identify and articulate future directions to maximize the NIH's investments in HIV research.

DATES: The OAR's Request for Information is open for public comment for a period of 30 days. Comments must be received by June 20, 2018 to ensure consideration. After the public comment period has closed, the comments received by OAR will be considered in a timely manner for the development of the FY 2021–2023 Trans-NIH Strategic Plan for HIV and HIV-related Research.

ADDRESSES: Submissions may be electronically entered at *https://grants.nih.gov/grants/rfi/rfi.cfm?ID=76.*

FOR FURTHER INFORMATION CONTACT: Questions about this request for information should be directed to the Office of AIDS Research, National Institutes of Health, email: *NIHOARRFI@nih.gov,* 5601 Fishers Lane Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION: To respond this RFI, go to the following web address: *http://grants.nih.gov/grants/rfi/rfi.cfm?ID=76.*

As legislatively mandated, OAR plans and coordinates research through the development of an annual Trans-NIH Strategic Plan for HIV and HIV-Related Research that articulates the overarching HIV research priorities and serves as the framework for developing the trans-NIH HIV research budget. OAR oversees and coordinates the conduct and support of all HIV research activities across the NIH Institutes and Centers (ICs). The NIH-sponsored HIV research programs include both extramural and intramural research, buildings and facilities, research training, program evaluation, and supports a comprehensive portfolio of research representing a broad range of basic, clinical, behavioral, social sciences, and translational research on HIV and its associated coinfections and comorbidities.

The Plan provides information about the NIH's HIV research priorities to the scientific community, Congress, community stakeholders, HIV-affected communities, and the broad public at large. The fiscal year 2018 Trans-NIH Plan for HIV-Related Research was recently distributed on the OAR website: (*https://www.oar.nih.gov/strategic_plan/plan_18.asp*).

The current overarching priorities for HIV/AIDS research are defined in the NIH Director's Statement of August 12, 2015, and Guide Notice NOT–OD–15–137 (*https://grants.nih.gov/grants/guide/notice-files/NOT-OD-15-137.html*).

High Priority topics of research for support include:

(1) Reducing the incidence of HIV/AIDS;

(2) Developing the next generation of HIV therapies;

(3) Identifying strategies towards a cure;

(4) Improving the prevention and treatment of HIV-associated comorbidities, coinfections, and complications; and

(5) Cross-cutting areas that includes basic research, behavioral and social sciences research, health disparities, trainings, capacity-building, and infrastructure.

This RFI is for planning purposes only and should not be construed as a solicitation for applications or proposals, or as an obligation in any way on the part of the United States Federal Government. The Federal

Government will not pay for the preparation of any information submitted or for the government's use. Additionally, the government cannot guarantee the confidentiality of the information provided.

Dated: May 14, 2018.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2018–10784 Filed 5–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Neural Regulation of Cancer.

Date: June 7, 2018.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Drug Abuse.

Date: June 8, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Seattle Hotel, 1400 6th Avenue, Seattle, WA 98101.

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4214, Bethesda, MD 20892–7814, 301–435–1787, *borzanj@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.

Date: June 13, 2018.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: James W. Mack, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, *mackj2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Rodent Testing Centers for Development of Reporter Systems and Evaluation of Somatic Cell Genome Editing Tools (U42).

Date: June 13, 2018.

Time: 10:30 a.m. to 11:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *alok.mulky@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Academic Research Enhancement Award.

Date: June 13, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6009, *lin.reigh-yi@nih.gov.*

Name of Committee: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: June 14–15, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW, Washington, DC 20005.

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.

Date: June 14, 2018.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: William A. Greenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *greenbergwa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Auditory Science.

Date: June 14, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037.

Contact Person: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, *jdrgonova@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Biostatistical Methods and Research Design Study Section.

Date: June 14–15, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites by Hilton Chicago Downtown, 600 North State Street, Chicago, IL 60654.

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, 301–435–1116, *kozelp@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Respiratory Sciences.

Date: June 14–15, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Par Panel: Academic-Industrial Partnerships Research for Cancer Diagnosis and Treatment.

Date: June 15, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–237–9870, *xuguofen@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 15, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10676 Filed 5–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Molecular and Cellular Analysis Technologies (IMAT).

Date: June 15, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant application.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W634, Bethesda, MD 20892–9750, 240–276–5287, *yasuko.furumoto@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI UG1 Review.

Date: June 19–20, 2018.

Time: 5:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Wlodek Lopaczynski, MD, Ph.D., Scientific Review Officer, Office of the Director, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W514, Bethesda, MD 20892–9750, 240–276–6340, *lopacw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI U01 Review.

Date: June 28, 2018.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750, 240–276–6132, *tushar.deb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 15, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10678 Filed 5–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group; Mental Health Services Research Committee.

Date: June 12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301–443–1225, *aschulte@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 15, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10682 Filed 5–18–18; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings of the NHLBI Special Emphasis Panel.

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 Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Short-Term Experience in Research.

Date: June 13, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lindsay M Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute National Institutes of Health, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892, 301–827–7911, *lindsay.garvin@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Single-Site CLTR Review.

Date: June 14, 2018.

Time: Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Chevy Chase by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Chang Sook Kim, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892–7924, 301–827–7940, *carolko@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 15, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10680 Filed 5–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Clinical Sciences and Epidemiology National Cancer Institute.

Date: July 9, 2018.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 31 Center Drive, Building 31, Wing C; 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Brian E. Wojcik, Ph.D., Senior Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center, Room 3W414, Bethesda, MD 20892–9750, 240–276–5664, *wojcikb@mail.nih.gov.*

Name of Committee: Board of Scientific Counselors for Basic Sciences National Cancer Institute.

Date: July 10, 2018.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 31 Center Drive, Building 31, Wing C; 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Mehrdad M. Tondravi, Ph.D., Chief, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center, Room 3W302, Bethesda, MD 20892–9750, 240–276–5664, *tondravim@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 15, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10677 Filed 5–18–18; 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 Initial Review Group; Reproduction, Andrology, and Gynecology Subcommittee.

Date: June 23, 2017.

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: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–2717, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; The Role of Stem/Progenitor Cells in the Pathogenesis and Treatment of Gynecologic Disorders.

Date: June 18, 2018.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Exeuctive Blvd., Rm. 5B01 Bethesda, MD 20892, (301) 435–6884, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Subcommittee.

Date: June 22, 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: Peter Zelazowski, Ph.D., Scientific Review Officer, National Institutes of Health, NICHD, SRB, 6710B Rockledge Drive, Bethesda, MD 20892, 301–435–6902, *peter.zelazowski@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: June 25, 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: Kimberly L. Houston, MD, Scientific Review Officer, Eunice Kennedy Shriver National Institute of Children Health and Human Development, 6701B Rockledge Drive, Room 2127B, Bethesda, MD 20892, 301–827–4902, *kimberly.houston@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Reproductive Scientist Development Program (RSDP).

Date: June 29, 2018.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administratorl Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Exeuctive Blvd., Rm. 5B01, Bethesda, MD 20892, (301) 435–6884, *leszczyd@mail.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 15, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10681 Filed 5–18–18; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NHLBI.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Heart, Lung, And Blood Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NHLBI.

Date: June 11, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, 6th Floor, Room 6S233, 10 Center Drive, Bethesda, MD 20892.

Contact Person: Robert S. Balaban, Ph.D., Scientific Director, Division of Intramural Research National Institutes of Health, NHLBI Building 10, 4th Floor, Room 1581, 10 Center Drive, Bethesda, MD 20892, 301–496–2116, *balabanr@nhlbi.nih.gov*.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/node/80103,* 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 15, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–10679 Filed 5–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Division of State Programs—Management Reporting Tool (DSP–MRT) (OMB No. 0930–0354)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) aims to monitor several substance abuse prevention programs through the DSP–MRT, which reports data using the Strategic Prevention Framework (SPF). Programs monitored through the DSP–MRT include: SPF-Partnerships for Success, SPF- Prescription Drugs, Prescription Drug Overdose, and First Responder-Comprehensive Addiction and Recovery Act. This request for data collection includes a revision from a previously approved OMB instrument.

Monitoring data using the SPF model will allow SAMHSA's project officers to systematically collect data to monitor their grant program. In addition to assessing activities related to the SPF steps, the performance monitoring instruments covered in this statement collect data to assess the following grantee required specific performance measures:

- Number of training and technical assistance activities per funded community provided by the grantee to support communities
- Number of training and technical assistance activities (numbers served) provided by the grantee
- Number of subrecipient communities that improved on one or more targeted National Outcome Measures
- Number of grantees who integrate Prescription Drug Monitoring Program (PDMP) data into their program needs assessment
- Number of naloxone toolkits distributed

Changes to this package include the following:

- Inclusion of Intervention names in the standard tool
- Inclusion of Community outcomes reporting
- Inclusion of questions on training services requested and referrals/receiving treatment services in the PDO/FR–CARA supplemental section

ANNUALIZED DATA COLLECTION BURDEN

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Standard DSP Monitoring Tool	117	4	468	3	1,404
Section A: Rx	25	2	63	1	42
Section B: PDO/FR CARA	23	4	100	1	100
Section C: PFS	71	1	71	3	213
FY2020 Total	117		702		1,759

Send comments to Summer King, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57–B, Rockville, Maryland 20857, *OR* email a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received by July 20, 2018.

Summer King,

Statistician.

[FR Doc. 2018–10716 Filed 5–18–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Projects for Assistance in Transition From Homelessness (PATH) Program Annual Report (OMB No. 0930–0205)—Revision

The Center for Mental Health Services awards grants each fiscal year to each of the states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands from allotments authorized under the PATH program established by Public Law 101–645, 42 U.S.C. 290cc–21 *et seq.,* the Stewart B. McKinney Homeless Assistance Amendments Act of 1990 (section 521 *et seq.* of the Public Health Service (PHS) Act) and the 21st Century Cures Act (114–255 Pub. L). Section 522 of the PHS Act and the 21st Century Cures Act require that the grantee states and territories must expend their payments under the Act solely for making grants to political subdivisions of the state, and to nonprofit private entities (including community-based veterans' organizations and other community organizations) for the purpose of providing services specified in the Act. Available funding is allotted in accordance with the formula provision of section 524 of the PHS Act.

This submission is for a revision of the current approval of the annual grantee reporting requirements. Section 528 of the PHS Act and the 21st Century Cures Act specify that not later than January 31 of each fiscal year, a funded entity will prepare and submit a report in such form and containing such information as is determined necessary for securing a record and description of the purposes for which amounts received under section 521 were expended during the preceding fiscal year and of the recipients of such amounts and determining whether such amounts were expended in accordance with statutory provisions.

The proposed changes to the PATH Annual Report are as follows:

1. Reporting on Contacts

To ensure that all contacts made by PATH providers are reflected in the report, a new question has been added that reports out on all contacts provided during the reporting period. The previous PATH Annual Report only reported on contacts through the date of enrollment.

2. Referrals Provided

To align with the HMIS Data Standards, all PATH Referral response categories are now included in the PATH Annual Report.

3. HMIS Data Standards Updates

When needed, field response options and questions have been updated to align with the most recent version of the HMIS Data Standards.

The estimated annual burden for these reporting requirements is summarized in the table below.

Respondents	Number of respondents	Responses per respondent	Burden per response (hrs.)	Total burden
States	56	1	20	1,120
Local provider agencies	487	1	15	7,305
Total	543			8,425

Send comments to Summer King, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57B, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by July 20, 2018.

Summer King,

Statistician.

[FR Doc. 2018–10717 Filed 5–18–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0488]

Notice of Public Workshop on Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI (Global 0.50% Sulfur Cap)

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The United States Coast Guard and United States Environmental Protection Administration will conduct a public workshop in Washington, DC in preparation for the upcoming intersessional working group meeting of the International Maritime Organization (IMO) on consistent implementation of regulation 14.1.3 of MARPOL Annex IV (Global 0.50% Sulfur Cap). The purpose of this meeting will be to consider the issues that will be discussed at that intersessional working group meeting.

DATES: This public meeting will be held on Tuesday, June 5, beginning at 10:00 a.m. and ending at 2:00 p.m., Eastern Time. This meeting is open to the public.

ADDRESSES: The public meeting will be held in Room 5, located on the first floor near the main entrance of the United States Department of Transportation building in Washington, DC. The United States Department of Transportation building is located at 1200 New Jersey Ave. SE, in Washington, DC, across the street from the Navy Yard-Ballpark Metro Station. Due to security requirements, each visitor must present a valid government-issued photo identification (for example, a driver's license) in order to gain entrance to the building. Those desiring to attend the public meeting should contact the Coast Guard ahead of the meeting (see **FOR FURTHER INFORMATION CONTACT**) to facilitate the security process related to building access, or to request reasonable accommodation.

FOR FURTHER INFORMATION CONTACT: For additional information about this public meeting you may contact Mr. Wayne Lundy by telephone at (202) 372–1379 or by email at *Wayne.M.Lundy@uscg.mil.*

SUPPLEMENTARY INFORMATION: Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL Annex VI) addresses air pollution from ships. Regulation 14 addresses particulate matter (PM) and sulfur oxide (SO_X) emissions through fuel sulfur content limits. Beginning on January 1, 2015, fuel used in ships operating in designated Emission Control Areas (ECAs), including the North American and U.S. Caribbean Sea ECAs, may not exceed 1,000 ppm. Outside of designated ECAs, the sulfur content of marine fuel currently may not exceed 35,000 ppm; this limit will be reduced to 5,000 ppm beginning on January 1, 2020.

As required by Regulation 14.8 of Annex VI, the 2020 global sulfur cap was reviewed and the limit was confirmed by the Marine Environment Protection Committee at its 70th session in 2017. At the 71st session, the Marine Environment Protection Committee agreed on a new work output to consider measures to promote consistent implementation of the global sulfur cap to address industry concerns and promote a level playing field with regard to compliance and enforcement of the new standards. An intersessional working group meeting will be held in July 2018, and recommendations will be provided to the 73rd session of the Marine Environment Protection Committee that meets in October 2018.

To obtain stakeholder input in advance of the intersessional working group meeting, the Coast Guard and EPA will conduct a meeting on Tuesday, June 5 at the United States Department of Transportation building in Washington, DC. At this meeting, the Coast Guard and EPA will provide background information on the MEPC action; afterwards, a discussion will be moderated by Coast Guard to consider the following topics.

- What preparatory and transitional issues should be considered, and how should they be addressed? Ship owners are expected to develop plans and procedures to ensure their ships operate with compliant fuel beginning January 1, 2020. However, issues may arise for a short period after the effective date of the global sulfur cap that may impede compliance. Stakeholders are encouraged to describe what these issues are, how they may be resolved, and the length of time they are expected to occur.
- Are there safety and machinery impacts associated with the use of blended fuels, and how should these be addressed? At this time it is not known the extent to which fuels compliant with the 2020 global sulfur cap will be purpose refined or blended. Stakeholders are encouraged to describe whether they expect to use blended fuels and whether they expect to adopt special procedures to handle and use such fuels.
- Regulation 18.2 requires ships to report fuel oil non-availability. One option being addressed by the Committee is the creation of a formal Fuel Oil Non-Availability Reporting (FONAR) system, which would require a ship to file a report with the port State, the ship's flag administration, and potentially the IMO, if the ship is unable to obtain compliant fuel without deviating from its planned voyage. Stakeholders are encouraged to indicate if such a system would be helpful and, if so, whether the reporting be uniform, the information that should be included in a standard format, how efforts to obtain compliant fuel should be documented, and where the report should be filed.
- What shipboard verification procedures should be encouraged/required, and how can these procedures facilitate verification? As specified in Annex VI, assessment of a ship's compliance with the fuel sulfur limits relies on examination of bunker delivery notes and, potentially, analysis of the MARPOL sample. Stakeholders are encouraged to indicate how this system can be improved to provide timely analysis of this information (*e.g.,* ship-prepared summary reports of bunker delivery notes). Stakeholders are also invited to provide input on other methods to verify compliance, such as onboard fuel sampling or other types of verification (*e.g.,* continuous SO_X emission monitoring).
- What methods and procedures can port States adopt to facilitate a level playing field?
- What methods and procedures can flag States adopt to facilitate a level playing field?
- What type of guidance, if any, would be helpful to ensure consistent implementation and a level playing field?

This meeting is open to the public. Please note that the public meeting has a limited number of seats and may close early if all business is finished. Those interested in attending should contact Mr. Wayne Lundy by telephone at (202) 372–1379 or by email at *Wayne.M.Lundy@uscg.mil.*

Summaries of comments made, materials presented, and lists of attendees will be available on the docket at the conclusion of the meeting. To view comments and materials in the docket, go to *http://www.regulations.gov* at any time, enter the docket number ''USCG–2018–0488'' in the Search box, and click on ''Go>>.''

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Wayne Lundy at (202) 372–1379 or by email at *Wayne.M.Lundy@uscg.mil* as soon as possible.

B.J. Hawkins,

Acting Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2018–10696 Filed 5–18–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0114]

Agency Information Collection Activities: Crewman's Landing Permit

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than June 20, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 52935) on November 15, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Crewman's Landing Permit.

OMB Number: 1651–0114.

Form Number: Form I–95.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to this collection of information.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form I–95, *Crewman's Landing Permit,* is prepared and presented to CBP by the master or agent of vessels and aircraft arriving in the United States for alien crewmen applying for landing privileges. This form is provided for by 8 CFR 251.1(c) which states that, with certain exceptions, the master, captain, or agent shall present this form to CBP for each nonimmigrant alien crewman on board. In addition, pursuant to 8 CFR 252.1(e), CBP Form I–95 serves as the physical evidence that an alien crewmember has been granted a conditional permit to land temporarily, and it is also a prescribed registration form under 8 CFR 264.1 for crewmen arriving by vessel or air. CBP Form I–95 is authorized by Section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) and is accessible at *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20I-95.pdf.*

Estimated Number of Respondents: 433,000.

Total Number of Estimated Annual Responses: 433,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 35,939.

Dated: May 16, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–10744 Filed 5–18–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–24]

30-Day Notice of Proposed Information Collection: Public Housing Agency Executive Compensation Information

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* June 20, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Colette.Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 28, 2018 at 83 FR 8697.

A. Overview of Information Collection

Title of Information Collection: Public Housing Agency Executive Compensation Information.

OMB Approved Number: 2577–0272.

Type of Request: Revision of currently approved collection.

Form Number: HUD–52725.

Description of the Need for the Information and Proposed Use: Pursuant to a notice issued annually

(most recently PIH Notice 2017–11), HUD collects information on the compensation provided by public housing agencies (PHAs) to its employees. More specifically, under this collection PHAs are to report the compensation paid to the top management official, the top financial official, and all employees who are paid an annual salary over the compensation cap imposed by Congress in HUD's annual appropriations (Level IV of the Executive Schedule). This reporting is similar to the information that non-profit organizations receiving federal tax exemptions are required to report to the IRS annually. Because PHAs receive significant direct federal funds HUD has been collecting compensation information to enhance regulatory oversight by HUD, as well as by state and local authorities. HUD provides the information collected to the public. The compensation data collected includes base salary, bonus, and incentive and other compensation, and the extent to which these payments are made with any Section 8 and 9 appropriated funds.

Respondents (*i.e., Affected Public*): Public Housing Agencies.

Estimated Number of Respondents: Approximately 4,000.

Estimated Number of Responses: Approximately 4,000.

Frequency of Response: Annual.

Average Hours per Response: 30 minutes.

Total Estimated Annual Burden and Cost: Total burden hours is estimated to be 2,000 hours annually. The total burden cost is estimated to be $46,280.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 8, 2018.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–10785 Filed 5–18–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–25]

30-Day Notice of Proposed Information Collection: Dispute Resolution Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* June 20, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Colette Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 16, 2018 at 83 FR 2170.

A. Overview of Information Collection

Title of Information Collection: Dispute Resolution Program.

OMB Approved Number: 2502–0562.

Type of Request: Extension of currently approved collection.

Form Number: HUD–310–DRSC and HUD–311–DR.

Description of the Need for the Information and Proposed Use: 310–DRSC is used to collect information on an individual state that would like to have a dispute resolution program either as part of their state plan or outside of the state plan. The HUD–311–DR form is used to collect pertinent information from the party seeking dispute resolution.

Respondents (*i.e., Affected Public*): Individuals or Households

Estimated Number of Respondents: 225.

Estimated Number of Responses: 225.

Frequency of Response: Once per complaint.

Average Hours per Response: 2.26.

Total Estimated Burdens: 508.50.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 11, 2018.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–10786 Filed 5–18–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2017–N177; FXES11140200000–189–FF02ENEH00]

Draft Environmental Assessment and Draft Habitat Conservation Plan; Western Travis County Public Utility Agency Raw Water Transmission Main, Travis County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), make available the draft Western Travis County Public Utility Agency (WTCPUA) Habitat Conservation Plan, as well as the associated draft environmental assessment, for construction of a raw water pipeline in Travis County, Texas. WTCPUA has applied to the Service for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The requested ITP, which would be in effect for a period of 30 years, if granted, would authorize incidental take of the federally listed golden-cheeked warbler (*Setophaga* [=*Dendroica*] *chrysoparia*). The proposed incidental take would occur during construction of a raw water pipeline as a result of vegetation clearing, earth-moving activities, and pipeline construction and also during operation and maintenance of the pipeline. In addition, incidental take would occur as a result of the operation and maintenance of existing facilities, including the existing water pipeline, water intake, and the Uplands Water Treatment Facility.

DATES: *Submission of comments:* We will accept comments received or postmarked on or before June 20, 2018.

ADDRESSES:

Obtaining documents: You may obtain copies of the application, the proposed draft habitat conservation plan (HCP), the draft environmental assessment, or other related documents by going to the Service's website at *http://www.fws.gov/southwest/es/AustinTexas/.* Alternatively, a limited number of CD–ROM and printed copies of the draft environmental assessment and draft HCP are available, by request, from Mr. Adam Zerrenner, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758–4460; telephone 512–490–0057; fax 512–490–0974. Please note that your request is in reference to the WTCPUA dHCP.

The incidental take permit application is available by mail from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103. Copies of the draft environmental assessment and draft HCP are also available for public inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:

- U.S. Fish and Wildlife Service, 500 Gold Avenue SW, Room 6034, Albuquerque, NM 87102.
- U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

Submitting Comments: You may submit written comments by one of the following methods:

- Submit electronic comments to *FW2_AUES_Consult@fws.gov.* Please note that your request is in reference to the WTCPUA dHCP.
- *By hard copy:* Mr. Adam Zerrenner, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758–4460; telephone 512–490–0057; fax 512–490–0974. Please note that your request is in reference to the WTCPUA dHCP.

We request that you submit comments by only the methods described above. Generally, we will post any personal information you provide us (see the Public Availability of Comments section for more information).

FOR FURTHER INFORMATION CONTACT: Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758 or (512) 490–0057.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), make available the draft environmental assessment (dEA) for the Western Travis County Public Utility Agency (WTCPUA) draft Habitat Conservation Plan (dHCP) for construction of a raw water pipeline in Travis County, Texas. WTCPUA has applied for an incidental take permit (ITP) that would be in effect for 30 years. If granted, the ITP would authorize incidental take of the golden-cheeked warbler (*Setophaga* [=*Dendroica*] *chrysoparia;* the ''Covered Species''), which is listed as an endangered species under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*).

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), we advise the public that:

1. We have gathered the information necessary to determine impacts and formulate alternatives for the dEA related to potential issuance of an ITP to WTCPUA (the applicant); and

2. The applicant has developed a dHCP as part of the application for an ITP, which describes the measures the applicant has agreed to take to minimize and mitigate the effects of incidental take of the Covered Species to the maximum extent practicable pursuant to section 10(a)(1)(B) of the Act.

As described in the dHCP, the proposed incidental take would occur within, and adjacent to, the right-of-way of an existing water pipeline in Travis County, Texas; and would result from activities associated with otherwise lawful activities. The dEA considers the direct, indirect, and cumulative effects of implementation of the dHCP, specifically the measures that will be implemented to minimize and mitigate, to the maximum extent practicable, the impacts of the incidental take of the Covered Species.

Proposed Action

The ITP would cover incidental ''take'' of the Covered Species associated with construction, operation, and maintenance of a new water pipeline, as well as the operation and maintenance of an existing water pipeline within the Permit Area (the ''Covered Activities''). The proposed action is the issuance of an ITP by the Service for the Covered Activities in the permit area, pursuant to section 10(a)(1)(B) of the Act.

The requested term of the permit is 30 years. To meet the requirements of a section 10(a)(1)(B) ITP, the applicant has developed and proposes to implement its dHCP, which describes the conservation measures the applicant has agreed to undertake. These measures are designed to minimize and mitigate for the impacts of the proposed incidental take of the Covered Species, to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of this species in the wild.

The applicant proposes to mitigate impacts to the Covered Species with the purchase of 28 conservation credits (acres) in an approved golden-cheeked warbler habitat conservation bank.

Alternatives

We are considering one alternative to the proposed action as part of this process: No Action. Under a No Action alternative, the Service would not issue the requested ITP and WTCPUA would either not construct the transmission main water pipeline or construct the pipeline in a manner that avoids incidental take. Therefore, the applicant would not implement the conservation measures described in the dHCP.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under the authority of section 10(c) of the Act and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy L. Lueders,

Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2018–10797 Filed 5–18–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025513; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Museum of Archaeology and Ethnology, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of objects of cultural patrimony and/or sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Peabody Museum of Archaeology and Ethnology. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Peabody Museum of Archaeology and Ethnology at the address in this notice by June 20, 2018.

ADDRESSES: Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of objects of cultural patrimony and/or sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal Agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1906, Grace Nicholson purchased an antler ornament headdress, a red woodpecker headdress, and a roll for the red woodpecker headdress on behalf of Lewis Hobart Farlow. Farlow purchased these three cultural items from Nicholson and donated them to the Peabody Museum of Archaeology and Ethnology in the same year. Peabody Museum records note these cultural items were collected from the ''Weigat Indians,'' or Wiyot, of Humboldt Bay, California. The antler ornament headdress, red woodpecker headdress, and roll have been identified as Wiyot and as sacred objects and objects of cultural patrimony.

The antler ornament headdress is constructed of leather, suede, and seven carved antler ornaments; red and black paints were applied to sections of the leather and to the antler ornaments. Consultation with representatives from the Wiyot Tribe indicated this antler headdress was most likely used during the Wiyot World Renewal Ceremony, more specifically for the White Deerskin Dance or possibly the Jump Dance. The physical properties of the headdress are entwined with sacred concepts and actions.

The red woodpecker headdress is constructed from tanned deerhide and approximately 40 scalps of pileated woodpecker. Associated with this headdress, as a separate catalog number, is a storage roll constructed of a worked and polished cylindrical piece of wood, likely redwood. Consultation with representatives from the Wiyot Tribe indicated that the storage roll was required for the safe storage of the headdress and should be considered a part of the medicine associated with the headdress. Consultation with representatives from the Wiyot Tribe indicated this red woodpecker headdress and associated storage roll were most likely used during the World Renewal Ceremony, and possibly with the Jump Dance.

These three cultural items meet the definition of sacred objects because they are specific ceremonial objects required by the Wiyot to properly perform dances and prayers for World Renewal Ceremonies, including the White Deerskin Dance and the Jump Dance.

Archeological, historical, and ethnographic data also demonstrate that these three cultural items have ongoing historical, traditional, and cultural importance central to the Wiyot as regalia. Consultation with representatives from the Wiyot Tribe indicated that regalia and medicine items were not owned, but ''cared for'' by individuals, who were able to lend them, including in exchange for money, but not sell them. These Wiyot headdresses and the associated roll could not be sold because they were cared for, but not than owned, by the families and individuals. Due to the caretakers' collective responsibility for the headdresses and roll, an individual could not sell or transfer possession of them. For these reasons, based on the cultural information provided through consultation, and further supported by ethnographic and historical data, these three cultural items meet the category definition for objects of cultural patrimony because they have ongoing historical, traditional, and cultural importance central to the Wiyot for the proper performance of World Renewal Ceremonies, specifically the White Deerskin Dance and the Jump Dance,

and could not have been alienated or conveyed by an individual.

In 1910, Grace Nicholson and Carroll Hartman purchased a woman's dance skirt on behalf of Lewis Hobart Farlow, in whose name it was donated to the Peabody Museum that same year. Prior to its purchase by Nicholson and Hartman, the dance skirt was owned by Isaac A. Beers, the United States Indian Agent at Hoopa from 1890–1893. The circumstance under which Beers collected the dance skirt is not known. Peabody Museum records describe the object as ''Wiegat—Very old fine Dance Skirt—Beer's Collection'' and from the ''Wiyot Indians, California.'' The woman's dance skirt has been identified as Wiyot and has been determined to be a sacred object.

This dance skirt is made of soft, tanned leather, which is fringed at the bottom hem. A solitary shell object of modified abalone is fastened to a leather strand within the fringe. Another leather strand within the fringe is adorned with three blue glass beads and one long black glass bead. The waist of the skirt is decorated with maidenhair fern and beargrass wraps, as well as iris twine. Dangling from the edge of the twine-wrapped waist are thin twine-wrapped strands adorned with two small bivalve shells and finished with metal thimbles; some strands also contain blue glass beads.

Consultation evidence suggests this skirt was most likely made as regalia for an adolescent girl's Coming of Age Ceremony, also known as the Flower Ceremony, due to its size and decoration. Families spent years gathering the materials for a girl's ''First Dress,'' which was worn initially at her Coming of Age Ceremony. Based on the size of this skirt, and the effort invested in its ornamentation, as well as the location of decoration at the waist, it was likely made as a ceremonial dance skirt for a girl's puberty rites. As abalone is associated with women's blood, the single cut and polished abalone shell bead fastened within the fringe at the skirt's bottom hem further supports the attribution of this skirt to the Coming of Age Ceremony. Museum documentation of the item as a ''Very old fine Dance Skirt'' supports the categorization of this skirt as a specific ceremonial item. According to consultation evidence and other supporting evidence this dance skirt would be used for multiple religious ceremonies, possibly including the Flower Ceremony, Jump Dance, and Brush Dance.

This cultural item meets the definition of a sacred object because it is a specific ceremonial object required by the Wiyot for the practice of traditional religious ceremonies and dances, such as the Flower Ceremony, the World Renewal Ceremony, and the Brush Dance, by present-day adherents. Wiyot women and girls wore dance skirts for multiple ceremonies because the skirts were imbued with spiritual power and were potent enough to ritually purify ceremonial dance grounds.

Determinations Made by the Peabody Museum

Officials of the Peabody Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the four cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the three cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and objects of cultural patrimony and the Bear River Band of Rohnerville Rancheria, California; Blue Lake Rancheria, California; and Wiyot Tribe, California (previously listed as the Table Bluff Reservation—Wiyot Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu,* by June 20, 2018. After that date, if no additional claimants have come forward, transfer of control of the sacred objects and objects of cultural patrimony to the Bear River Band of Rohnerville Rancheria, California; Blue Lake Rancheria, California; and Wiyot Tribe, California (previously listed as the Table Bluff Reservation—Wiyot Tribe) may proceed.

The Peabody Museum of Archaeology and Ethnology is responsible for notifying the Bear River Band of Rohnerville Rancheria, California; Blue Lake Rancheria, California; and Wiyot Tribe, California (previously listed as the Table Bluff Reservation—Wiyot Tribe) that this notice has been published.

Dated: April 30, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–10781 Filed 5–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025515; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Florida Department of State, Division of Historical Resources, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Florida Department of State, Division of Historical Resources, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary object and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request to the Florida Department of State, Division of Historical Resources. If no additional requestors come forward, transfer of control of the human remains and associated funerary object to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to the Florida Department of State, Division of Historical Resources at the address in this notice by June 20, 2018.

ADDRESSES: Kathryn Miyar, Florida Department of State, Mission San Luis Collections, 2100 West Tennessee Street, Tallahassee, FL 32304, telephone (850) 245–6301, email *kathryn.miyar@dos.myflorida.com.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Florida Department of State, Division of Historical Resources, Tallahassee, FL. The human remains and associated funerary object were removed from the FCI Borrow site, Jackson County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Florida Department of State, Division of Historical Resources professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and Thlopthlocco Tribal Town. The Florida Tribe of Eastern Creek Indians and Original Miccosukee Simanolee Nation of Aboriginal People, non-federally recognized Indian groups, were also consulted.

History and Description of the Remains

In 1974, human remains representing, at minimum, two individuals were removed from the FCI Borrow site in Jackson County, FL. The human remains of an infant (approx. one year of age) were encountered during a fill mining excavation at the county-owned FCI Borrow pit. A Jackson County Sheriff's officer was called, and he removed the human remains and one associated funerary object (a shell pendant) from the site prior to notifying the Department of State. Turquoise green glass beads were also noted as being present in the infant burial, but they crumbled when an attempt was made to remove them, and were, therefore, left *in situ* and not collected. Archaeologist B. Calvin Jones was sent by the Department of State to investigate the site. During his investigation, he collected a small amount of additional material from the site's surface including the human remains belonging to an adult (aged as approx. 20+ years of age). Jones transferred the skeletal remains of these two individuals and the associated funerary object to the Florida Department of State collections in 1974, but they were not formally cataloged until 1993. No known individuals were identified. The associated funerary object recovered from the infant burial is a single shell pendant (Accession #93.163.01.01).

The site has been identified by Archaeologist B. Calvin Jones as the location of a Native American reservation designated by the 1823 Treaty of Moultrie Creek. The political situation at the time of the treaty was unsettled, and Tribes present during the treaty meetings were described in historic accounts as Apalachicola, northern division of the Seminole, Miccosukee, and Lower Creek. Some of the tribal leaders recorded as present during these meetings included Neamathla, Tuskihadjo, Emathlochee, Econchatomico, Yellow Hair, Mulatto King, and John Blount. Descendants of these groups now are members of several Indian Tribes, including the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and Thlopthlocco Tribal Town, (hereafter referred to as ''The Tribes'').

Determinations Made by the Florida Department of State, Division of Historical Resources

Officials of the Florida Department of State, Division of Historical Resources have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains the associated funerary object and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Kathryn Miyar, Florida Department of State, Mission San Luis Collections, 2100 West Tennessee Street, Tallahassee, FL 32304, telephone (850) 245–6301, email *kathryn.miyar@dos.myflorida.com,* by June 20, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to The Tribes may proceed.

The Florida Department of State, Division of Historical Resources is responsible for notifying The Tribes that this notice has been published.

Dated: April 30, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–10783 Filed 5–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025516; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Bess Bower Dunn Museum of Lake County, Libertyville, IL (Previously Known as the Lake County Discovery Museum, Wauconda, IL)

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bess Bower Dunn Museum of Lake County (previously known as the Lake County Discovery Museum) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control

of these human remains and associated funerary objects should submit a written request to the Bess Bower Dunn Museum of Lake County. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bess Bower Dunn Museum of Lake County at the address in this notice by June 20, 2018.

ADDRESSES: Diana Dretske, Bess Bower Dunn Museum of Lake County, 1899 West Winchester Road, Libertyville, IL 60048, telephone (847) 968–3400, email *ddretske@lcfpd.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Bess Bower Dunn Museum of Lake County, Libertyville, IL. The human remains and associated funerary objects were removed from Decorah, Winneshiek County, IA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bess Bower Dunn Museum of Lake County professional staff in consultation with representatives of Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Lower Sioux Indian Community in the State of Minnesota; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Indians of Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Upper Sioux Community, Minnesota; and the Winnebago Tribe of Nebraska. The following Tribes were also invited to participate but were not involved in consultations: Citizen Potawatomi Nation, Oklahoma; Iowa Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Prairie Island Indian Community in the State of Minnesota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and the Yankton Sioux Tribe of South Dakota.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from Decorah, Winneshiek County, IA. In 1957, the human remains were at the Moody Museum in McGregor, Clayton County, IA. On May 23, 1957, the human remains and the projectile point were sold to Robert Vogel of the Lake County History Museum, Wadsworth, IL. No known individuals were identified. The one associated funerary object is a projectile point.

The projectile point was embedded in the skull at the time of death. The individual might have lived about six months after being struck by the projectile point, based on evidence of bone growth resulting from normal healing. Decorah, IA, is described by tribal oral tradition as belonging to the Ho-Chunk Nation of Wisconsin territory. Decorah, IA, is also part of the ''Neutral Ground'' included in land cessions by the Ho-Chunk Nation to the United States Government in 1832 and 1846.

Determinations Made by the Bess Bower Dunn Museum of Lake County

Officials of the Bess Bower Dunn Museum of Lake County have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ho-Chunk Nation of Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Diana Dretske, Bess Bower Dunn Museum of Lake County, 1899 West Winchester Road, Libertyville, IL 60048, telephone (847) 968–3400, email *ddretske@lcfpd.org,* by June 20, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Ho-Chunk Nation of Wisconsin may proceed.

The Bess Bower Dunn Museum of Lake County is responsible for notifying the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Lower Sioux Indian Community in the State of Minnesota; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Indians of Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Spirit Lake Tribe, North Dakota; Upper Sioux Community, Minnesota; and the Winnebago Tribe of Nebraska that this notice has been published.

Dated: April 30, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–10782 Filed 5–18–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–472 (Fourth Review)]

Silicon Metal From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'')

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on silicon metal from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on March 1, 2017 (82 FR 12234) and determined on June 5, 2017 that it would conduct a full review (82 FR 27525, June 15, 2017). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 24, 2017 (82 FR 55858). The hearing was held in Washington, DC, on March 20, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on May 15, 2018. The views of the Commission are contained in USITC Publication 4783 (May 2018), entitled *Silicon Metal from China: Investigation No. 731–TA–472 (Fourth Review).*

By order of the Commission.

Issued: May 15, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–10718 Filed 5–18–18; 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—3D PDF Consortium, Inc.

Notice is hereby given that, on April 25, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), 3D PDF Consortium, Inc. (''3D PDF'') 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, AFP Consortium, Corvallis, OR, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 3D PDF intends to file additional written notifications disclosing all changes in membership.

On March 27, 2012, 3D PDF 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 April 20, 2012 (77 FR 23754).

The last notification was filed with the Department on September 29, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 31, 2017 (82 FR 50444).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–10689 Filed 5–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on April 19, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aeronix, Inc., Melbourne, FL; Altavian Inc., Gainesville, FL; Asymmetric Technologies, LLC, Columbus, OH; AURA Technologies, LLC, Raleigh, NC; Azimuth Corporation, Beavercreek, OH; Bren-Tronics, Inc., Commack, NY; Broden Resource Solutions LLC, Orono, MN; Bruker Detection Corporation, Billerica, MA; C3 Engineering LLC, Baltimore, MD; CACI, Inc.,—Federal, Chantilly, VA; Central Screw Products dba Detroit Gun Works, Troy, MI; CeraNova Corporation, Marlborough, MA; Cobham Advanced Electronic Solutions Inc., Lansdale, PA; Cole Engineering Services, Inc., Orlando, FL; Colorado Engineering, Inc., Colorado Springs, CO; Contego Research, LLC, Webb City, MO; Darkblade Systems Corporation, Stafford, VA; DESE Research, Inc., Huntsville, AL; Double ''B'' Enterprises, LLC, Mineola, IN; DroneShield LLC, Warrenton, VA; DRS Power Technology, Inc., Fitchburg, MA; Elroy Air Inc., San Francisco, CA; Exquadrum, Inc., Adelanto, CA; Global Ordnance LLC, Sarasota, FL; GTDS America, LLC, Newbury, MA; Hernon Manufacturing Inc., Sanford, FL; Ibis Tek, Inc., Butler, PA; Insight International Technology LLC, Huntsville, AL; Jacobs Technology Inc., Fort Walton Beach, FL; Jim Sutton & Associates LLC, Woodbridge, VA; Kongsberg Protech Systems USA Corporation, Johnstown, PA; Loch Harbour Group, Inc., Alexandria, VA; Military Systems Group, Inc., Nashville, TN; MTI Partners LLC dba Metal Technology, Albany, OR; Near Earth Autonomy, Inc., Pittsburgh, PA; Nexagen Networks, Inc., Morganville, NJ; Orbital Sciences Corporation, Chandler, AZ; Parsons Government Services, Pasadena, CA; Phygen Coating, Inc., Minneapolis, MN; Plasan North America, Inc., Walker, MI; Progeny Systems Corporation, Manassas, VA; Quantum Ventura Inc., Los Angeles, CA; River Front Services, Incorporated, Chantilly, VA; SCI Technology, Inc., Huntsville, AL; Simmonds Precision Products Inc., Vergennes, VT; SPARC Research LLC, Broad Run, VA; Special Aerospace Services LLC, Boulder, CO; Specialized Technical Systems, LLC, Tewksbury, MA; Spectre Enterprises, West Palm Beach, FL; STAR Dynamics Corporation, Hilliard, OH; Strategic Technology Consulting, Toms River, NJ; TriVector Services, Inc., Huntsville, AL; TRX Systems, Inc., Greenbelt, MD; W. S. Darley & Co., Itasca, IL; Whitespace Innovations, Inc., Huntsville, AL; Wulco Co. Inc. dba Jet Machine and Manufacturing Co. Inc., Cincinnati, OH, have been added as parties to this venture.

Also, Houston Mechatronics, Webster, TX; RTI Advanced Powder Materials, Burlington, MA; and UNC Charlotte Research Institute, Charlotte, NC, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice

[2] Commissioner Jason Kearns not participating.

published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on January 31, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10752).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–10702 Filed 5–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Advanced Engine Fluids

Notice is hereby given that, on April 13, 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''), Southwest Research Institute—Cooperative Research Group on Advanced Engine Fluids (''AEF'') 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, Sinopec Research Institute of Petroleum Processing, Beijing, PEOPLE'S REPUBLIC OF CHINA, has been added as a party to this venture.

Also, Caterpillar Inc., Lafayette, IN; Cummins Inc., Columbus, IN; and Infineum USA L.P., Linden, NJ, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AEF intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, AEF 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 April 22, 2015 (80 FR 22551).

The last notification was filed with the Department on October 21, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 13, 2016 (81 FR 89991).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–10698 Filed 5–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—International Electronics Manufacturing Initiative

Notice is hereby given that, on April 26, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), International Electronics Manufacturing Initiative (''iNEMI'') 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, Autodesk, Inc., San Rafael, CA; HP, Inc., Houston, TX; Kulicke & Soffa Industries, Inc., SINGAPORE; KYZEN Corporation, Nashville, TN; Momentum Technologies, Inc., Dallas, TX; and The Comet Group, Wunnewil-Flamatt, SWITZERLAND, have been added as parties to this venture.

Also, Delphi Corporation, Troy, MI; Exponent Failure Analysis Associates, Inc., Menlo Park, CA; Henkel, Düsseldorf, GERMANY; METech Recycling, Clinton, MA; Oak-Mitsui, Camden, SC; and Unitec Semiconductors, Veneza-Ribeirao das Neves, BRAZIL, have withdrawn as parties to this venture.

In addition, Dow Electronic Materials and Dupont Electronics & Communications have merged to become DowDuPont Electronics & Imaging, Wilmington, DE.

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 iNEMI intends to file additional written notifications disclosing all changes in membership.

On June 6, 1996, iNEMI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 28, 1996 (61 FR 33774).

The last notification was filed with the Department on April 26, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 22, 2017 (82 FR 23298).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–10700 Filed 5–18–18; 8:45 am]

BILLING CODE 4410–11–P

OFFICE OF MANAGEMENT AND BUDGET

Uniform Administrative Requirements, Cost Principles, and Audit Requirements

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice.

SUMMARY: This Notice announces the availability of the 2018 OMB 2 CFR part 200, Subpart F—Audit Requirements, Appendix XI—Compliance Supplement (2018 Supplement). This Notice also offers interested parties an opportunity to comment on the 2018 Supplement. The 2018 Supplement is not a full update on the 2017 Supplement and only amends the following programs with major changes, and adds guidance in Part 3.I, Procurement and Suspension and Debarment and Appendix VII of the Supplement.

DATES: The 2018 Supplement complements the 2017 Supplement and applies to audits of fiscal years beginning after June 30, 2017. All programs, Parts and Appendices contained in the 2017 Compliance Supplement that are not listed for updates in the section above remain unchanged and applicable for audits. Thus, the 2018 Supplement must be used in conjunction with the 2017 Supplement to perform audits.

ADDRESSES: All comments on the 2018 Supplement must be in writing and received by July 31, 2018. Late comments will be considered to the extent practicable. Comments will be reviewed and addressed, when appropriate, in the 2019 Compliance Supplement.

Due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

Electronic mail comments may be submitted to: *Hai_M._Tran@omb.eop.gov.* Please include ''2 CFR part 200 Subpart F—Audit Requirements, Appendix XI—Compliance Supplement—2018'' in the subject line and the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message. Comments may also be submitted via facsimile at 202–395–3952.

Comments may be mailed to Gilbert Tran, Office of Federal Financial Management, Office of Management and Budget, 725 17th Street NW, Room 6025, New Executive Office Building, Washington, DC 20503.

Comments may also be sent through *http://www.regulations.gov*—a Federal E-Government website that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type ''2 CFR part 200 Subpart F—Audit Requirements, Appendix XI—Compliance Supplement—2018'' (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received through the website by the date specified above will be included as part of the official record.

The 2018 Supplement is available online on the OMB home page at *https://www.whitehouse.gov/omb/offices/offm.*

FOR FURTHER INFORMATION CONTACT: Recipients and auditors should contact their cognizant or oversight agency for audit, or Federal awarding agency, as appropriate under the circumstances. The Federal agency contacts are listed in Appendix III of the Supplement. Subrecipients should contact their pass-through entity. Federal agencies should contact Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, at (202) 395–3052.

SUPPLEMENTARY INFORMATION: The programs/clusters in Parts 4 and 5 with updates are as follows:

Department of Transportation (DOT)

- CFDA 20.205, 20.219, 20.224, 23.003—Highway Planning and Construction Cluster
- CFDA 20.319—High-Speed Rail Corridors and Intercity Passenger Rail Service—Capital Assistance Grants
- CFDA 20.500, 200.507, 20.525, 20.526—Federal Transit Cluster

Department of Education (ED)

- 84.000—Cross-Cutting Section
- 84.010—Title I Grants to Local Educational Agencies
- 84.011—Migrant Education—State Grant Program
- 84.282—Charter Schools
- 84.365—English Language Acquisition State Grants
- 84.367—Supporting Effective Instruction State Grants
- 84.424—Student Support and Academic Enrichment Program
- Student Financial Aid Cluster

The following two programs in the 2017 Supplement are deleted in the 2018 Supplement:

- 84.377—School Improvement Grants
- 84.395—State Fiscal Stabilization Fund (SFSF)—Race-to-the-Top Incentive Grants, Recovery Act

Department of Health and Human Services (DHHS)

- CFDA 93.224, CFDA 93.527—Health Center Program Cluster
- CFDA 93.508, CFDA 93.872—Tribal Maternal, Infant, and Early Childhood Home Visiting Program Cluster
- CFDA 93.575, CFDA 93.596—CCDF Cluster
- CFDA 93.600—Head Start

Social Security Administration (SSA)

- CFDA 96.001, CFDA 96.006—Disability Insurance/SSI Cluster Due to its length, a link to the 2018 Supplement is included in this Notice under the **ADDRESSES** section below.

Regina Kearney,

Acting Deputy Controller.

[FR Doc. 2018–10567 Filed 5–18–18; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF MANAGEMENT AND BUDGET

Procedures for Participating in the Appeals Process for the 2020 Census Local Update of Census Addresses Operation (LUCA)

AGENCY: Office of Information and Regulatory Affairs, Executive Office of the President, Office of Management and Budget.

ACTION: Notice and request for comments.

SUMMARY: As part of implementing the Census Address List Improvement Act of 1994, the Office of Management and Budget (OMB) requests public comment on the Appeals Process whereby tribal, state, and local governments participating in the 2020 Census Local Update of Census Addresses Operation (LUCA) may appeal determinations made by the Census Bureau with respect to their suggested changes to the 2020 Census Address List. For information purposes, this notice also describes the LUCA Feedback materials that the Census Bureau will provide to participating governments and how those governments can use the materials as the basis for an appeal.

The 2020 Census LUCA Operation was available to tribal, state, and local governments located in areas for which the Census Bureau develops an address list in advance of the census. The Bureau issued final procedures for participation in the 2020 Census LUCA Operation in a **Federal Register** Notice Vol. 81. No. 215 on November 7, 2016.

Request for Comments: OMB is seeking comments on the proposed procedures for the 2020 Census LUCA Appeals Process. Comments submitted in response to this notice may be made available to the public, including by posting them on OMB's website. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Electronic Availability: This notice is available on the internet from the OMB website at *https://www.whitehouse.gov/omb/.* **Federal Register** notices are also available electronically at *https://www.federalregister.gov/.*

DATES: To ensure consideration during the decision-making process, OMB must receive all comments in writing on or before 30 days from publication of this notice.

ADDRESSES: Comments concerning the proposed appeals procedure may be addressed to: Nancy Potok, Chief Statistician, Office of Management and Budget, fax number (202) 395–7245—Email comments may be sent to *MBX.OMB.OIRA.2020LUCA AppealsProcess@OMB.eop.gov,* with the subject 2020 Appeals Process. Alternatively, comments may also be sent via *http://www.regulations.gov.* a Federal E-Government website that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type ''Local Update of Census Addresses'' (in quotes) in the Comment

or Submission search box, click Go, and follow the instructions for submitting comments. Comments received with the subject ''2020 Appeals Process'' by the date specified above will be included as part of the official record.

Correspondence about the 2020 Census LUCA Operation should be sent to Robin Pennington, Deputy Chief, Decennial Program Management Office, U.S. Census Bureau, Washington, DC 20233, telephone (301) 763–8132, email *robin.a.pennington@census.gov.*

Because of delays in the receipt of regular mail due to security screening, you are encouraged to use electronic communications to transmit your comments in order to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: For information about the proposed Appeals Process, contact Kerrie Leslie, Office of Management and Budget, 9215 New Executive Office Building, Washington, DC 20503, telephone (202) 395–1093. For information about the Census Bureau's 2020 Census LUCA Operation, contact Robin Pennington, Deputy Chief, Decennial Program Management Office, U.S. Census Bureau, Washington, DC 20233, telephone (301) 763–8132, email *robin.a.pennington@census.gov.*

SUPPLEMENTARY INFORMATION:

The Census Address List Improvement Act of 1994

The Census Address List Improvement Act of 1994 (Pub. L. 103–430) mandates the establishment of a program to be used by the Census Bureau for developing the decennial census address list and address lists for other censuses and surveys conducted by the Bureau. The Act's provisions direct the Secretary of Commerce to: (1) Publish standards defining the content and structure of address information that tribal, state, and local governments may submit to be used for developing a national address list; (2) develop and publish a timetable for the Census Bureau to receive, review, and respond to submissions; and (3) provide a response to the submissions regarding the Census Bureau's determination for each address. The Act provides further that OMB's Administrator of the Office of Information and Regulatory Affairs, acting through the Chief Statistician and in consultation with the Census Bureau, shall develop a process for tribal, state, and local governments to appeal determinations of the Census Bureau. The Act also directs the U.S. Postal Service to provide the Secretary of Commerce with address information, as appropriate, for use by the Census Bureau.

The Act authorizes the Census Bureau to provide designated officials of tribal, state, and local governments with access to census addresses information. Prior to the 2000 Census, the Census Bureau was limited to providing block summary totals of addresses to tribal and local governments. The 2000 Census marked the first decennial census where tribal and local governments were able to review the census address list. The 2010 Census was the first decennial census to invite state governments to participate in the LUCA program.

The Census Bureau's 2020 Census LUCA Operation

As mentioned above, the 2020 Census LUCA Operation is governed by procedures finalized and issued in November, 2016. This section provides more detail on the process that tribal, state, and local governments use to participate in the 2020 Census LUCA Operation.

For the 2020 Operation, participating governmental jurisdictions review and provide updates to the census address list. Participants opt to receive materials in paper or computer-readable formats, or use Census Bureau supplied software to update their jurisdiction's map features and address list. Jurisdictions with more than 6,000 addresses are required to participate using a computer-readable address list or the Census Bureau supplied software. All LUCA participants are required to ''geocode'' each address they add (*i.e.,* identify for an individual address its correct geographic location including the latitude/longitude coordinate location or the correct state, county, census tract, and census block codes). The census tract and census block numbers are displayed on the Census Bureau supplied maps, digital shapefiles and software tools. Additionally, all LUCA participants can make updates and corrections to the features on the Census Bureau supplied maps or digital shapefiles.

All participants are required to sign a Confidentiality Agreement in accordance with Title 13, United States Code (U.S.C.) to maintain the confidentiality of the census address information they received from the Census Bureau for review. Participants receive the LUCA Address List, Address Count List (providing a count of addresses within each census block), and census maps or digital shapefiles of their jurisdiction. Participants are required to have the means to secure the census address list containing Title 13 information.

The 2020 Census LUCA Address Validation Process

All addresses submitted by LUCA participants are validated by the Census Bureau. During LUCA validation, Census Bureau staff add, delete, and correct entries on the Census Address List and make needed corrections to census maps based on LUCA submissions. The Census Bureau provides feedback to LUCA participants, conveying the Bureau's determinations on their submission of additions and updates to census address information.

The 2020 Census LUCA Feedback Materials

The Census Bureau will provide LUCA Feedback materials to qualifying governmental jurisdictions as the Census Bureau creates those materials over the span of roughly 6 weeks starting in June 2019 and ending in August 2019. LUCA participants will receive their feedback materials in the same media format that they requested for the initial LUCA review materials.

The Census Bureau will provide the LUCA Feedback materials after completing the following steps:

(1) For jurisdictions that submitted address updates to the LUCA Address List, the Census Bureau will review and apply each correctly formatted participant address update to its address list, adding any new addresses not already on its list.

(2) The Census Bureau will verify the participant suggested address updates (additions, corrections, deletions, etc.) to ensure that all address updates and additions exist and that they are in the correct census block.

Described below are the LUCA Feedback materials that LUCA Operation participants will receive.

The Census Bureau will provide LUCA Feedback materials to tribal, state, or local governments that took any of the following actions:

(1) Submitted updates (*i.e.,* additions, corrections, deletions) to city-style addresses on the LUCA Address List.

(2) Certified to the Census Bureau at the end of their LUCA review that the LUCA Address List was correct and needed no update.

The LUCA Feedback materials that the Census Bureau will provide to each participating government will document which local address additions and updates the Census Bureau accepted or did not accept. The LUCA Feedback materials include:

(1) A Full Address List that contains all of the residential addresses currently recorded in the Census Address List within the participant's jurisdiction.

This address list will reflect the results of the jurisdiction's participation in LUCA.

(2) A Detailed Feedback Address List that shows each address record addition and update submitted by the participant and a processing code that identifies a specific action taken by the Census Bureau on that address record.

(3) A Full Address Count List that shows the current residential address counts, including those for housing units and group quarters, for each census block within the participant's jurisdiction.

(4) A Feedback Address Update Summary Report that displays the tallies of actions taken by the Census Bureau for all of the address updates submitted by the participant.

(5) Feedback maps include feature updates provided by the participant.

The OMB Office of Information and Regulatory Affairs Administrator's Proposed 2020 Census LUCA Appeals Process

To ensure that tribal, state, and local governments participating in the 2020 Census LUCA Operation have a means to appeal the Census Bureau's determinations, the Census Address List Improvement Act of 1994 requires that the Administrator of OMB's Office of Information and Regulatory Affairs (OIRA), acting through the Chief Statistician and in consultation with the Census Bureau, develop an Appeals Process to resolve any disagreements that may remain after participating governments receive the Census Bureau's LUCA Feedback materials. This section describes the proposed procedures for that Appeals Process.

A. Overview of the Proposed Appeals Process

Governmental jurisdictions that participated in LUCA and completed a review of LUCA materials may file an Appeal if they meet specified eligibility criteria. When filing an appeal, eligible participants must include supporting documentation that substantiates the existence and location of each appealed address. Eligible participants may file an Appeal with the LUCA Appeals Staff, a temporary Federal entity set up to administer the Appeals Process. After notification by the Appeals Staff that an eligible participant has appealed, the Census Bureau will have 15 calendar days to respond to the Appeal. Appeal decisions will be based solely on a review of written documentation provided to the Appeals Staff by the eligible government and the Census Bureau. The decision of the Appeals Staff will be final. The Appeals Staff is scheduled to conclude its review of appeal submissions by January 31, 2020. Specific eligibility criteria and detailed requirements for Appeal submissions are provided below.

B. Appeal Procedures for LUCA Participants

1. Eligibility Criteria for Filing an Appeal

Participants who (1) returned additions to or corrections of the 2020 Census Address List, or (2) certified to the Census Bureau after their LUCA review that the 2020 Census Address List was correct and required no update are eligible to file an Appeal.

Eligible governments may appeal (1) address additions and corrections they provided after their initial review of the 2020 Census Address List that the Census Bureau did not accept, (2) addresses that were deleted from the 2020 Census Address List by the Census Bureau during subsequent operations that were not commented on by participants during their initial LUCA review.

When filing an Appeal, eligible LUCA Operation participants must provide (1) contact information for the governmental jurisdiction filing the Appeal, (2) address information for each address being appealed, and (3) supporting documentation that substantiates the existence and/or location of each address being appealed as specified below.

2. Contact Information

Eligible participants must provide the following contact information for the governmental jurisdiction filing the Appeal:

a. Name of the governmental jurisdiction, and

b. Name, mailing address, telephone number, and electronic mail address (if any) of that jurisdiction's contact person for the Appeal.

3. Address Information

Address information may be submitted in computer-readable form or on paper. Technical requirements for the format of address information will be included with the feedback materials the participant receives from the Census Bureau.

a. To appeal the Census Bureau's rejection of an address that was submitted to be added to, or corrected on, the Census Address List (as evidenced by the Census Bureau's final determination code for that address on the Detailed Feedback Address List),

OR

To appeal the Census Bureau's deletion of an address during a previous operation that was not previously commented on by the participant during its initial LUCA review (as indicated for that address on the Detailed Feedback Address List), provide the following items of information for each appealed address:

(1) Complete address (including the house number, unit designator if applicable, street name and ZIP Code) or if there is no address a location description of the housing unit or other living quarters.

(2) Control ID number, as provided by the Census Bureau for each address record as part of the feedback address list.

(3) Participant submitted action code.

(4) Census Bureau's Processing Code.

Geographic location of the address:

(5) Census Tract number and Census Block number, or

(6) Latitude/Longitude coordinate location.

4. Supporting Documentation

Eligible participants must provide supporting documentation for each appealed address as specified below. The appeals decisions will be based on a review of documentation provided by the eligible government and the Census Bureau. Eligible governments must submit the following supporting documentation with their Appeals:

1. A written explanation that gives the eligible government's specific recommendations for how each address and location being appealed should appear on the 2020 Census Address List.

2. A written statement that outlines the eligible government's position for why the Appeals Staff should adopt its recommendations. The statement must specifically respond to the explanation that accompanied the Census Bureau's LUCA Feedback materials.

3. For each address (or group of addresses), supporting documentary evidence—including a reference to the exact location on the supporting documentation where the Appeals Staff can find specific evidence—supporting the eligible government's position with respect to the existence or correctness of that address. Useful types of supporting evidence include:

(a) Documentation of on-site inspection and/or interview of residents and/or neighbors;

(b) Issuance of recent occupancy permit for unit. Building permits are not acceptable as they do not ensure that the units have been built;

(c) Provision of utilities (electricity, gas, sewer, water, telephone, etc.) to the residence. The utility record should

show that this is not a service to a commercial unit, or an additional service to an existing residence (such as a second telephone line);

(d) Provision of other governmental services (housing assistance, welfare, etc.) to residents of the unit;

(e) Photography, including aerial photography;

(f) Land use maps;

(g) Local 911 emergency lists, if they distinguish residential from commercial units;

(h) Tax assessment records, if they distinguish residential from commercial units.

4. Evidence that demonstrates the quality of address or map reference sources provided as supporting evidence such as:

(a) Date of the address source;

(b) How often the address source is updated;

(c) Methods used to update the source;

(d) Quality assurance procedure(s) used in maintaining the address source;

(e) How the address source is used by the eligible government and/or by the originator of the source.

All Appeal documentation must be filed with the Appeals Staff within 45 calendar days after the eligible government's receipt of its LUCA Feedback materials. The eligible jurisdiction may not submit any materials to the Appeals Staff after the 45-day period has elapsed.

C. Deadline for an Eligible Government To File Appeals

Appeals must be filed by the eligible government within 45 calendar days after that government's receipt of the LUCA Feedback materials. ''Receipt'' as used herein is defined as the delivery date reported to the Census Bureau by the delivery service that transmits the feedback materials to the eligible government. In order to safeguard the confidential address materials covered by Title 13, the transmitting of an Appeal to the LUCA Appeals Staff must adhere to the Census Bureau's specific guidelines for handling materials supplied with the feedback materials. The eligible government should transmit its appeal materials to the Appeals Staff following the instructions outlined in the guidelines for handling materials, and must keep a record of the date it transmits these materials. The ''filing date'' for the Appeals shall be the date the Appeal is transmitted. All Appeals filed after the deadline will be denied as untimely.

D. Where To File an Appeal

Appeals must be sent to the LUCA Appeals Staff following the instructions supplied in the feedback materials. Upon receipt of an Appeal, the LUCA Appeals Staff will send a confirmation to the eligible jurisdiction that its Appeal has been received. The Appeals Staff also will notify the Census Bureau that the Appeal has been filed.

E. Documentation and Supporting Evidence That May be Submitted by the Census Bureau

During the Appeals Process

The Census Bureau is not required to respond to the Appeal or to provide any materials in support of its determination. Upon receipt of notification that an Appeal has been filed, the Census Bureau will have 15 calendar days in which it may (if the Census Bureau so chooses):

1. Submit to the LUCA Appeals Staff written documentation briefly summarizing its position as well as any supporting evidence concerning the appealed addresses,

OR

2. Submit to the Appeals Staff a written statement agreeing to the recommendation(s) in the Appeal.

If the Census Bureau submits any written documentation to the Appeals Staff to support its position, the Census Bureau at the same time must send a copy of its submission to the eligible government. The Census Bureau may not submit any materials to the Appeals Staff after the 15-day period has elapsed.

F. The Appeals Review and Final Decision Process

The Appeals Process will be administered by the 2020 Census LUCA Appeals Staff, which will be setup for approximately 18 months by the Census Bureau as a temporary Federal entity. The Appeals Staff will include Appeals Officers who are trained in the procedures for processing an Appeal and in the examination and analysis of address list information, locations of addresses and housing units, and supporting materials.

For each Appeal, an Appeals Officer will review the Census Bureau's feedback materials and the written documentation and supporting evidence submitted by the eligible government and the Census Bureau. No testimony or oral argument will be received by the Appeals Officer. Appeals Officers will apply the following principles in conducting their review:

1. The Appeals Officer shall consider the quality of the map or address reference source as the basis for determining the validity of an address (or group of addresses) and its (their) location(s).

a. Indicators demonstrating quality of the map or address reference source may include, but are not limited to, timeliness, update methods and frequency, provenance, and congruence with other sources. For example, useful supporting evidence may include, but would not be limited to, local data sources like recent documentation of an on-site inspection, aerial photography, and provision of utilities to the residence.

2. For any address for which the Appeals Officer determines that the quality of the supporting evidence submitted by both parties is of equal weight, the Appeals Officer shall decide in favor of the eligible government.

At the conclusion of the review of an appealed address (or group of addresses), the Appeals Officer will prepare a draft written determination. The draft written determination will be reviewed by a higher-level official on the Appeals Staff. The Director of the Appeals Staff (or his or her designee) will then issue a final written determination to both the eligible government and the Census Bureau. The final written determination will include a brief explanation of the Appeals Staff's decision, and will specify how the appealed address (es) or its (their) location(s) should appear on the 2020 Census Address List. Each final written determination shall become part of the administrative record of the Appeals Process.

The Appeals Staff's decision is final. The Census Bureau will include all addresses added to, or corrected in, the 2020 Census Address List as a result of the Appeals Process, and attempt to locate and enumerate them. Inclusion of an address on the list does not mean that a living quarters or its inhabitants are actually at the address, or that the address will be included in the final 2020 data summaries. The census-taking process will determine the inclusion status of the address—whether or not it is actually a housing unit—and the final population and housing unit status for each address.

G. Completion of the Appeals Process

Appeals reviews will be completed and written determination issued to the concerned parties as soon as possible. The Appeals Process is scheduled to be completed by the end of January 2020.

Executive Orders 12866 and 13771

This proposed procedural notice is not a significant regulatory action under Executive Order 12866. In addition, this

proposed notice is not an E.O. 13771 regulatory action.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 35, the Census Bureau requested, and OMB granted its clearance for, the information collection requirements for this operation on November 7, 2016 (OMB Control Number 0607–0994). The Census Bureau's request for a generic clearance covering this operation until 2020 was sent to the OMB on November 14, 2016.

Nancy Potok,

Chief Statistician, Office of Management and Budget.

[FR Doc. 2018–10775 Filed 5–18–18; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, May 24, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Share Insurance Fund Quarterly Report.

2. NCUA's Rules and Regulations, Involuntary Liquidation and Claims Procedures.

3. NCUA's Rules and Regulations, Payday Alternative Loans.

RECESS: 10:45 a.m.

TIME AND DATE: 11:00 a.m., Thursday, May 24, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B) and (9)(ii).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–10901 Filed 5–17–18; 4:15 pm]

BILLING CODE 7535–01–P

THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: 2019–2021 IMLS Grant Performance Report Forms

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. By this notice, IMLS is soliciting comments concerning the three year approval of the forms necessary to report on grant or cooperative agreement activities on an interim and final basis for all IMLS grant programs.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 16, 2018.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

ADDRESSES: Send comments to: Dr. Sandra Webb, Senior Advisor, Office of the Director, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the nation's approximately 120,000 libraries and 35,000 museums and related organizations. Our mission is to inspire libraries and museums to advance innovation, lifelong learning, and cultural and civic engagement. Our grant making, policy development, and research help libraries and museums deliver valuable services that make it possible for communities and individuals to thrive. To learn more, visit *www.imls.gov.*

II. Current Actions

To administer the IMLS processes of grants and cooperative agreements, IMLS uses standardized application forms, guidelines and reporting forms for eligible libraries, museums, and other organizations to apply for its funding. These forms submitted for public review in this Notice are the Interim Performance Report and the Final Performance Report, and the instructions associated with each one. The collection of information from these forms is a part of the IMLS grant performance reporting requirements and process.

Agency: Institute of Museum and Library Services.

Title: Grant Application Forms.

OMB Number: 3137–0100.

Frequency: Once per year.

Affected Public: Library and Museum grant applicants.

Number of Respondents: 976.

Estimated Average Burden per Response: 15.4 hours.

Estimated Total Annual Burden: 6,235 hours.

Total Annualized capital/startup costs: n/a.

Total Annual costs: $174,186.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Webb, Senior Advisor, Office of the Director, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

Dated: May 16, 2018.

Kim Miller,

Grants Management Specialist, Office of Grants Policy and Management.

[FR Doc. 2018–10788 Filed 5–18–18; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 14 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry P. Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Music (review of applications): This meeting will be closed.

Date and time: June 25, 2018; 12:00 p.m. to 2:00 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 25, 2018; 3:00 p.m. to 5:00 p.m.

Local Arts Agencies (review of applications): This meeting will be closed.

Date and time: June 26, 2018; 1:00 p.m. to 3:00 p.m.

Theater (review of applications): This meeting will be closed.

Date and time: June 26, 2018; 1:00 p.m. to 3:00 p.m.

Theater (review of applications): This meeting will be closed.

Date and time: June 26, 2018; 4:00 p.m. to 6:00 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 26, 2018; 11:30 a.m. to 1:30 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 26, 2018; 2:30 p.m. to 4:30 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 27, 2018; 12:00 p.m. to 2:00 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 27, 2018; 11:30 a.m. to 1:30 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 27, 2018; 2:30 p.m. to 4:30 p.m.

Theater (review of applications): This meeting will be closed.

Date and time: June 28, 2018; 1:00 p.m. to 3:00 p.m.

Theater (review of applications): This meeting will be closed.

Date and time: June 28, 2018; 4:00 p.m. to 6:00 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 29, 2018; 12:00 p.m. to 2:00 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 29, 2018; 3:00 p.m. to 5:00 p.m.

Dated: May 15, 2018.

Sherry Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2018–10686 Filed 5–18–18; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings Notice

DATES AND TIME: Each Wednesday of every month through Fiscal Year 2018 at 2:00 p.m. Changes in date and time will be posted at *www.nlrb.gov.*

PLACE: Board Agenda Room, No. 5065, 1015 Half St. SE, Washington DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. § 552b(c)(10).

FOR FURTHER INFORMATION CONTACT: Gary Shinners, Executive Secretary, 1015 Half Street SE, Washington, DC 20570. Telephone: (202) 273–3737.

Dated: May 17, 2018.

Roxanne Rothschild,

Deputy Executive Secretary, National Labor Relations Board.

[FR Doc. 2018–10936 Filed 5–17–18; 4:15 pm]

BILLING CODE 7545–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meetings

TIME AND DATE: 9:30 a.m., Tuesday, June 5, 2018.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

57951 Marine Accident Report—Fire aboard Roll-on/Roll-off Passenger Vessel *Caribbean Fantasy,* Atlantic Ocean, 2 Miles Northwest of San Juan, Puerto Rico, August 17, 2016.

CONTACT PERSON FOR MORE INFORMATION: *News Media Contact:* Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, May 30, 2018.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

For More Information Contact: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

For Media Information Contact: Keith Holloway at (202) 314–6100 or by email at *keith.holloway@ntsb.gov.*

Dated: May 17, 2018.

LaSean McCray,

Assistant Federal Register Liaison Officer.

[FR Doc. 2018–10865 Filed 5–17–18; 11:15 am]

BILLING CODE 7533–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Survey of Nonparticipating Single Premium Group Annuity Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') is requesting that the Office of Management and Budget (''OMB'') extend approval with modifications, under the Paperwork Reduction Act, of a collection of information (OMB control number 1212–0030; expires May 31, 2018). This voluntary collection of information is a quarterly survey of insurance company rates for pricing annuity contracts. The American Council of Life Insurers conducts the survey for PBGC. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by June 20, 2018.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request (including the collection of information) will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel, 1200 K Street NW, Washington, DC 20005–4026, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040). The Disclosure Division will email, fax, or mail the information to you, as you request.

FOR FURTHER INFORMATION CONTACT: Stephanie Cibinic (*cibinic.stephanie@pbgc.gov*), Deputy Assistant General Counsel, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, 202 326–4400, extension 6352. TTY users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400.

SUPPLEMENTARY INFORMATION: PBGC's regulations prescribe actuarial valuation methods and assumptions (including interest rate assumptions) to be used in determining the actuarial present value of benefits under single-employer plans that terminate (29 CFR part 4044) and under multiemployer plans that undergo a mass withdrawal of contributing employers (29 CFR part 4281). Each month PBGC publishes the interest rates to be used under those regulations for plans terminating or undergoing mass withdrawal during the next month.

The interest rates are intended to reflect current conditions in the annuity markets. To determine these interest rates, PBGC gathers pricing data from insurance companies that are providing annuity contracts to terminating pension plans through a quarterly ''Survey of Nonparticipating Single Premium Group Annuity Rates.'' The American Council of Life Insurers (ACLI) distributes the survey and provides PBGC with ''blind'' data (*i.e.,* PBGC is unable to match responses with the companies that submitted them). PBGC also uses the information from the survey in determining the interest rates it uses to value benefits payable to participants and beneficiaries in PBGC-trusteed plans for purposes of PBGC's financial statements.

PBGC is proposing several changes to the survey distributed by ACLI:

- Reduction in the number of ages for which PBGC requests net rate plan factors for immediate and deferred annuities, and removal of columns asking for Deferred to Exact Age 60 net rate plan factors. These changes are proposed because the net rate plan factors for the annuitant ages removed are no longer used when deriving interest factors. The proposed changes will simplify the completion of the survey.
- Increases in the dollar ranges of the Settlement Categories in Parts III and IV to better capture variability and range of business accepted by respondents. Dollar amounts previously used were too low to differentiate among insurance companies that responded to the survey.
- Addition of a question asking whether the respondent participated in the survey in the previous year to enable PBGC to determine the extent to which the survey respondents vary over time.
- Addition of a question asking whether the current value of the respondent's annuity portfolio is greater than $5 billion. This proposed addition will permit PBGC to determine if the insurers who respond to the survey represent a sizable portion of the total annuity market.

On February 8, 2018 (at 83 FR 5649), PBGC gave public notice that it intended to request extension of OMB approval of this collection of information with the modifications and invited public comment by April 9, 2018. One comment was received in response to the notice.

The commenter made two suggestions. After consideration, PBGC determined not to adopt either suggestion because their adoption would reduce the anonymity of the respondents, which in turn may affect the respondents' willingness to participate in the survey. The comment and PBGC's rationale for its decision are discussed in the supporting statement submitted to OMB for this information collection.

OMB has approved this collection of information under control number 1212–0030 through May 31, 2018. PBGC is requesting that OMB extend its approval for another three years with changes. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This voluntary survey is directed at insurance companies most, if not all, of which are members of ACLI. The survey is conducted quarterly and will be sent to approximately 22 insurance companies. PBGC estimates that about six insurance companies will respond to the survey each quarter, and that each survey will require approximately 30 minutes to complete and return. The total burden is estimated to be 12 hours

(30 minutes per survey × four per year × six respondents).

Issued in Washington, DC by:

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–10794 Filed 5–18–18; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83248; File No. SR–NYSEArca2018–32]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Proposed Operation of the Perth Mint Physical Gold ETF Trust

May 15, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 7, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect a change in the size of a ''Basket'' applicable to shares of the Perth Mint Physical Gold ETF Trust (''Trust'') from 100,000 Shares to at least 50,000 Shares, and to amend certain other representations in the proposed rule change filed with and approved by the Securities and Exchange Commission (''Commission'') relating to listing and trading of Shares of the Trust on the Exchange.[4] Shares of the Trust have been approved by the Commission for listing and trading on the Exchange under NYSE Arca Rule 8.201–E. The Trust's shares have not commenced trading on the Exchange. The proposed rule change is available on the Exchange's website at *www.nyse.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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a proposed rule change relating to listing and trading on the Exchange of shares (''Shares'') of the Trust for listing and trading on the Exchange under NYSE Arca Rule 8.201–E (''Commodity-Based Trust Shares'').[5] The Exchange proposes to reflect a change in the size of a Creation Unit applicable to Shares of the Trust from 100,000 Shares to at least 50,000 Shares, and to amend certain other representations in the proposed rule change filed with and approved by the Commission relating to listing and trading of Shares of the Trust on the Exchange. The Trust's Shares have not commenced trading on the Exchange. The sponsors of the Trust will be the Gold Corporation and Exchange Traded Concepts, LLC (''Sponsors'').[6]

Change to the ''Basket'' Size

The Prior Notice stated that the Trust will issue and redeem ''Baskets'' equal to a block of 100,000 Shares. The Exchange proposes to reflect a change in the proposed size of a Basket from 100,000 Shares to 50,000 Shares. The size of a Basket will be subject to change, but will not exceed 100,000 Shares. A reduction in the size of a Basket may provide potential benefits to investors by facilitating additional creation and redemption activity in the Shares, thereby potentially resulting in increased secondary market trading activity, tighter bid/ask spreads and narrower premiums or discounts to net asset value (''NAV'').[7]

Change to Initial Basket Gold Amount

The Prior Releases stated that the initial Basket Gold Amount is 1,000 Fine Ounces of gold. The Exchange proposes to change this representation to state that the initial Basket Gold Amount is 500 Fine Ounces of gold. The Sponsors represent that this change corresponds proportionately to the change made in the Basket size to 50,000 Shares.

Changes to Representations Regarding Delivery Applicants

As described in the Registration Statement, persons permitted to take delivery of Physical Gold are referred to as ''investors'' rather than ''Delivery Applicants'', as stated in the Prior Notice, and, in connection with such delivery, Shares are delivered to the Gold Corporation and are not surrendered to the Trust, as represented in the Prior Notice. Thus investors that submit an ''Application'' (rather than a ''Delivery Application'', as described in the Prior Notice) to the Gold Corporation [8] will deliver Shares to the

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* note 5, *infra.*

[5] *See* Securities Exchange Act Release Nos. 82372 (December 21, 2107), 82 FR 61601 (December 28, 2107) (SR–NYSEArca–2017–140) (NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the Perth Mint Physical Gold ETF Trust Under NYSE Arca Rule 8.201–E) (''Prior Notice''); 82593 (January 26, 2018), 83 FR 4718 (February 1, 2018) (SR–NYSEArca–2017–140) Order Approving a Proposed Rule Change To List and Trade Shares of the Perth Mint Physical Gold ETF Trust Pursuant to NYSE Arca Rule 8.201–E) (''Prior Order'' and, together with the Prior Notice, the ''Prior Releases'').

[6] On April 20, 2018 the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act of 1933 relating to the Trust (File No. 333–224389) (''Registration Statement''). The description of the operation of the Trust herein is based, in part, on the Registration Statement. The procedures described in this proposed rule change will not be implemented until such proposed rule change is effective and operative.

[7] The Exchange notes that the Commission has approved the listing and trading of other issues of Commodity-Based Trust Shares that have applied a minimum ''Creation Unit'' size of less than 50,000 shares. *See, e.g.,* Securities Exchange Act Release Nos. 82249 (December 8, 2017), 82 FR 58884 (December 14, 2017) (SR–NYSEArca–2017–110) (Notice of Filing of Amendment No. 2 and Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the GraniteShares Platinum Trust under NYSE Arca Rule 8.201–E); 81918 (October 23, 2017), 82 FR 49884 (October 27, 2017) (SR–NYSEArca–2017–98) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to List and Trade Shares of The Gold Trust under NYSE Arca Rule 8.201–E); 80840 (June 1, 2017), 82 FR 26534 (June 7, 2017) (SR–NYSEArca–2017–33) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 2 Thereto, to List and Trade Shares of the Euro Gold Trust, Pound Gold Trust, and the Yen Gold Trust under NYSE Arca Equities Rule 8.201).

[8] The Prior Notice stated that ''Delivery Application'' means a document in a form satisfactory to the Custodian and as set forth the Prior Notice that expresses a Delivery Applicant's intention to surrender Shares on a Share Submission Day in exchange for an amount of Gold

Gold Corporation (*i.e.,* Custodian or Custodial Sponsor) rather than to the Trust. The Sponsors represent that, by conducting the delivery process directly through the Gold Corporation, rather than through the Trust, it is anticipated that an investor will save on certain service provider administrative charges, and that the process will therefore be more cost effective for investors.

The Prior Notice stated that the Trust's primary objective will be to provide investors with an opportunity to invest in gold through the Shares, have the gold securely stored by Gold Corporation and, if requested by an investor, deliver Physical Gold to such investor in exchange for its Shares. However, because investors redeeming Shares would deliver Shares to the Gold Corporation rather than to the Trust, the Trust's primary objective will be to provide investors with an opportunity to invest in gold through the Shares and have the gold securely stored by Gold Corporation; the Gold Corporation rather than the Trust will be the entity that delivers Physical Gold to investors in exchange for Shares.

Change to Representation Regarding the Government Guarantee

The Prior Notice stated that the Government Guarantee [9] applies to all gold held by the Custodian, whether in the Trust Allocated Metal Account, the Trust Unallocated Metal Account or in a Customer Account, for the benefit of the Trust or a Delivery Applicant.

The Exchange proposes to change this representation to state that the Government Guarantee applies to all gold held by the Custodian or sub-custodian, whether in the Trust Allocated Metal Account, the Trust Unallocated Metal Account, the ''GC Metal Account'' [10] or in a Customer Account, for the benefit of the Trust or an investor who is the Gold Corporation's direct customer.

Change to Representations Regarding Delivery of Required Deposits

The Prior Notice stated that an Authorized Participant who places a purchase order is responsible for crediting the Trust Unallocated Metal Account with the required gold deposit amount by 9:00 a.m. London time on the third business day following the purchase order date.

The Exchange proposes to change this representation to state that an Authorized Participant who places a purchase order is responsible for crediting its account, if held at the Custodian, with the required gold deposit amount and, if the Authorized Participant does not maintain its account with the Custodian, causing the required gold deposit amount to be transferred to the Custodian by 8:00 a.m. London time on the second business day following the purchase order date. The Sponsors represent that this change is being made in connection with the implementation of the T+2 settlement cycle for securities transactions in accordance with Rule 15c6–1(a) under the Act.[11]

Changes to Redemption Procedures

The Prior Notice further stated that, by placing a redemption order, an Authorized Participant agrees to deliver the Baskets to be redeemed through DTC's book-entry system to the Trust no later than the third business day following the effective date of the redemption order. The Exchange proposes to change this representation to state that, by placing a redemption order, an Authorized Participant agrees to deliver the Baskets to be redeemed through DTC's book-entry system to the Trust no later than the second business day following the effective date of the redemption order. The Sponsors represent that this change is being made in connection with implementation of the T+2 settlement cycle for securities transactions in accordance with Rule 15c6–1(a) under the Act.

The Prior Notice further stated that the redemption distribution due from the Trust is delivered to the Authorized Participant on the next following business day after the Trustee's DTC account has been credited with the Baskets to be redeemed. The Exchange proposes to change this representation to state that the redemption distribution due from the Trust is delivered to the Authorized Participant on the third business day following the redemption date if, by 9:00 a.m. Eastern time on the second business day following the redemption order date, the Trustee's DTC account has been credited with the Baskets to be redeemed. The Sponsors represent that this change is being made in connection with implementation of the T+2 settlement cycle for securities transactions in accordance with Rule 15c6–1(a) under the Act, provided that the redemption distribution will, unless otherwise agreed by the parties, be delivered to the Authorized Participant on the third business day following the redemption date.

The Prior Notice stated that gold is delivered to the Trust and distributed by the Trust through credits and debits between Authorized Participants' accounts, the Trust Unallocated Metal Account and the Trust Allocated Metal Account. When the Trustee requests creation of a basket at an Authorized Participant's request, the Authorized Participant will then transfer gold to the Trust Unallocated Metal Account. The Exchange proposes to change this representation to state that gold is delivered to the Trust and distributed by the Trust through credits and debits between Authorized Participants' accounts, the GC Metal Account, the Trust Unallocated Metal Account and the Trust Allocated Metal Account. When the Trustee requests creation of a basket at an Authorized Participant's request, the Authorized Participant will then transfer gold to the Authorized Participant's account with the Custodian or to the GC Metal Account for credit to the Trust Unallocated Metal Account.

The Sponsors represent that the proposed changes described above are consistent with the Trust's investment objective, and will further assist the Sponsors to achieve such investment objective. Except for the changes noted above, all other representations made in the Prior Releases remain unchanged.[12]

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [13] that an exchange have rules that are 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

on such Share Submission Day. As defined in the Registration Statement, the term ''Application'' is defined as a document in a form satisfactory to Gold Corporation that expresses an investor's intention to deliver shares on a Share Submission Day in exchange for an amount of Physical Gold on such Share Submission Day.

[9] *See* note 29 of the Prior Notice for a description of the Government Guarantee.

[10] The term GC [Gold Corporation] Metal Account is defined in the Registration Statement as one or more designated Gold accounts of which Gold Corporation, in its individual capacity, is the registered owner maintained with one or more LBMA Gold clearing members on an unallocated basis in such location or locations as Gold Corporation may determine and used by Gold Corporation exclusively for transfers of Gold to and from the Trust in connection with the creation and redemption of Baskets. The term is introduced in the Registration Statement to clarify that the Custodian maintains certain accounts that are designed to facilitate transfers of gold when an Authorized Participant elects to transfer gold from a third party unallocated account, and not from an unallocated account maintained with the Gold Corporation.

[11] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017).

[12] *See* note 5, *supra.* All terms referenced but not defined herein are defined in the Prior Releases.

[13] 15 U.S.C. 78f(b)(5).

and, in general, to protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange believes that the change to the size of a Basket to 50,000 Shares may provide potential benefits to investors by facilitating additional creation and redemption activity in the Shares, thereby potentially resulting in increased secondary market trading activity, tighter bid/ask spreads and narrower premiums or discounts to NAV. The reduction in the initial Basket Gold Amount from 1,000 Fine Ounces to 500 Fine Ounces corresponds proportionately to the change proposed to be made in the Basket size to 50,000 Shares.

With respect to the proposed replacement of references in the Prior Notice to Delivery Applicants with ''investors'' and references to ''Delivery Application'' with ''Application'', as applicable, and to specify that an investor delivers Shares to the Gold Corporation rather than to the Trust, the Sponsors represent that, by conducting the delivery process directly through the Gold Corporation, rather than through the Trust, it is anticipated that an investor will save on certain service provider administrative charges, and that the process will therefore be more cost effective for investors.

With respect to proposed changes to representations regarding delivery of required deposits and redemption procedures, as described above, the Sponsors represent that such changes are being made in connection with the implementation of the T+2 settlement cycle for securities transactions in accordance with Rule 15c6–1(a) under the Act.

With respect to the term GC Metal Account, such term has been introduced in the Registration Statement to clarify that the Custodian will maintain certain accounts that are designed to facilitate transfers of gold when an Authorized Participant elects to transfer gold from a third party unallocated account, and not from an unallocated account maintained with the Gold Corporation.

The Sponsors represent that the proposed changes described above are consistent with the Trust's investment objective, and will further assist the Sponsors to achieve such investment objective. Except for the changes noted above, all other representations made in the Prior Releases remain unchanged.

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 the proposed rule changes, because of the potential increase in secondary market trading activity that may result from a decrease in the Basket size for Shares of the Trust, the corresponding reduction in the initial Basket Gold Amount, and the reduction in certain time frames, regarding delivery of required deposits and other redemption procedures will enhance competition among issues of gold-based Commodity-Based Trust Shares.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b 4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the Trust plans to launch trading in the Shares on the Exchange prior to such delayed operative date if this proposed rule change is effective and operative. Additionally, the Exchange asserts that waiver would be consistent with the protection of investors and the public interest because reducing the size of a Basket may provide potential benefits to investors by facilitating additional creation and redemption activity in the Shares, thereby potentially resulting in increased secondary market trading activity, tighter bid/ask spreads and narrower premiums or discounts to NAV.[18] The 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.[19]

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B) [20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–32 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–NYSEArca–2018–32. This file number should be included on the

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See supra* text accompanying note 7.

[19] 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).

[20] 15 U.S.C. 78s(b)(2)(B).

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–NYSEArca–2018–32, and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10713 Filed 5–18–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83244; File No. SR–CBOE–2018–033]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Related to Its PULSe Workstation

May 15, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees schedule related to its PULSe workstation.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule. The Exchange is changing fees related to its PULSe workstation. The fees herein will be effective on May 1, 2018.

By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of the Exchange. Exchange Trading Permit Holders (''TPHs'') may also make workstations available to their customers, which may include TPHs, non-broker dealer public customers, and non-TPH broker dealers.

Financial Information eXchange (''FIX'') language-based connectivity, upon request, provides customers (both TPH and non-TPH) of TPHs that are brokers and PULSe users (''PULSe brokers'') with the ability to receive ''drop-copy'' order fill messages from their PULSe brokers. These fill messages allow customers to update positions, risk calculations, and streamline back-office functions.

The Exchange is proposing to reduce and cap the monthly fee to be assessed on TPHs who are sending drop copies to non-TPH customers via a PULSe workstation. Currently, if a customer receiving drop copies is a non-TPH, the PULSe broker (the sending TPH) who sends drop copies via PULSe to that customer is charged $400 per month. The Exchange is proposing to reduce that fee to $0.02 per contract with a cap of $400 per month per receiving non-TPH. If that PULSe broker sends drop copies via PULSe to multiple non-TPH customers, the PULSe broker will be charged the fee for each customer. For example, if a PULSe broker sends drop copies via its PULSe workstation to each of non-TPH customer A, non-TPH customer B, and non-TPH customer C, the PULSe broker (the sending TPH) will be charged a fee of $.02 per contract for drop copies it sends via PULSe to non-TPH customers A, B, and C (the receiving non-TPHs) with a cap of $1,200 ($400 per non-TPH customers A, B, and C).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(b)(4).

Trading Permit Holders and other persons using its facilities.

The Exchange believes that reducing the $400 per month to $0.02 per contract with a cap of $400 per month on a TPH sending drop copies from PULSe to a non-TPH customer is reasonable because the fee will continue to allow the Exchange to monitor, develop and implement upgrades, maintain, and customize PULSe to ensure a non-TPH customer receives timely and accurate drop copies while also potentially reducing the sending TPH's costs. The Exchange believes the fee is equitable and not unfairly discriminatory because the monthly fee is assessed equally to any TPH sending drop copies to its non-TPH customers. Additionally, use of the drop copy functionality by a TPH and non-TPH customer is voluntary.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed PULSe-related fees are assessed equally to TPH broker's electing to use the optional Drop Copy functionality. The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed fees relate to use of an Exchange-provided order entry system. To the extent that any proposed change makes the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2018–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–033. 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–CBOE–2018–033 and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10711 Filed 5–18–18; 8:45 am]

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[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83239; File No. SR–MRX–2018–14]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Supplementary Material to Rule 706 To Harmonize Its Sponsored Access Rules With Those of Its Affiliates

May 15, 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 9, 2018, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material to Rule 706 to harmonize its sponsored access rules with those of its affiliates.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Supplementary Material to Rule 706, which contains the Exchange's sponsored access rules, to harmonize these rules with those of the Nasdaq Exchanges.[3] On March 9, 2016, the Exchange and its affiliates, International Securities Exchange, LLC (now, Nasdaq ISE, LLC) (''ISE'') and ISE Gemini, LLC (now, Nasdaq GEMX, LLC) (''GEMX'' and together with ISE and MRX, ''ISE Exchanges''), were acquired by Nasdaq, Inc. (''Acquisition'').[4] In the context of the Acquisition, the ISE Exchanges have been working to align certain of its rules and processes with those of the Nasdaq Exchanges in order to provide consistent standards across the six exchanges owned and operated by Nasdaq, Inc. (collectively, ''Affiliated Exchanges''). As part of this effort, the proposal set forth below harmonizes the Exchange's sponsored access rules with the Nasdaq Sponsored Access Rules in order to provide uniform standards and requirements for users of the Affiliated Exchanges.[5]

In particular, the Exchange proposes to (1) define the term ''Sponsored Access'' and ''Customer Agreement;'' (2) specify the requirement to comply with Rule 15c3–5 under the Act (''Market Access Rule''); (3) remove the requirements that each Sponsored Customer and each Sponsoring Member enter into certain agreements with the Exchange; and (4) make a number of related, non-substantive changes. Each change is discussed in detail as follows.

Defining Sponsored Access

A Sponsored Customer is a non-member of the Exchange, such as an institutional investor, that gains access to the Exchange[6] and trades under a Sponsoring Member's execution and clearing identity pursuant to a sponsorship arrangement between such non-member and Sponsoring Member, as set forth in Supplementary Material to Rule 706. The Exchange is proposing to define the term ''Sponsored Access'' to clarify the type of market access arrangement that is subject to this rule. Accordingly, the Exchange proposes to amend Supplementary Material .01(a) to Rule 706 to add the following definition: ''Sponsored Access shall mean an arrangement whereby a Member permits its customers to enter orders into the System that bypass the Member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'' This definition mirrors the language set forth in the Nasdaq Sponsored Access Rules,[7] and is derived from the Commission's description of Sponsored Access used in the release approving the Market Access Rule.[8] The Exchange believes that defining Sponsored Access in Supplementary Material .01(a) to Rule 706 will provide market participants with greater clarity regarding Sponsored Access and their obligations with respect to this type of access arrangement.

Defining Customer Agreement

The Exchange proposes to amend Supplementary Material .01(b)(1) to Rule 706 to define the agreement that Sponsored Customers must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Customer may trade on the Exchange, as a ''Customer Agreement.''[9]

Market Access Rule

Pursuant to Supplementary Material .01(b)(2) to Rule 706, the Sponsoring Member is responsible for the activities of the Sponsored Customer. Sponsored Customers are required to have procedures in place to comply with the Exchange's rules, and the Sponsoring Member takes responsibility for the Sponsored Customer's activity on the Exchange. Members may have multiple Sponsored Access relationships in place at a given time. The Exchange's examination program assesses compliance with the sponsored access rules set forth in Supplementary Material to Rule 706, among other rules.[10] The Exchange now proposes to specifically enumerate in Supplementary Material .01(b)(2) to Rule 706 the member's obligation to comply with the Market Access Rule, with which Members are currently required to comply in connection with market access.[11] The Exchange believes that specifying the obligation to comply with the Market Access Rule within the rule itself will reinforce that Supplementary Material to Rule 706 presupposes member compliance with the Market Access Rule.

Elimination of Certain Contract Requirements

The Exchange currently requires a Sponsored Customer Agreement between the Sponsored Customer and the Exchange,[12] and a Sponsored Customer Addendum to the member access agreement (hereinafter, ''Addendum'') that is provided to the Exchange by the Sponsoring Member.[13] At this time, the Exchange proposes to remove the existing requirements to submit the Sponsored Customer Agreement and Addendum to the Exchange in order to align its sponsored access rules with the Nasdaq Sponsored Access Rules. The Exchange will continue to require a Customer Agreement between the Sponsored Customer and Sponsoring Member

[3] *See* NQX Rule 4615, BX Rule 4615 and PHLX Rule 1094 (collectively, ''Nasdaq Sponsored Access Rules'').

[4] *See* Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11; SR–ISEGemini–2016–05; SR–ISEMercury–2016–10).

[5] ISE and GEMX will each file similar rule change proposals with the Commission to harmonize their sponsored access rules with the Nasdaq Sponsored Access Rules.

[6] For example, a broker-dealer may allow its customer—whether an institution such as a hedge fund, mutual fund, bank or insurance company, an individual, or another broker-dealer—to use the broker-dealer's MPID, account or other mechanism or mnemonic used to identify a market participant for the purposes of electronically accessing the Exchange.

[7] *See* NQX Rule 4615(a), BX Rule 4615(a) and PHLX Rule 1094(a).

[8] The Market Access Rule, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access. *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

[9] The Nasdaq Sponsored Access Rules also similarly define ''Customer Agreement.'' *See* NQX Rule 4615(b)(i), BX Rule 4615(b)(i) and PHLX Rule 1094(b)(i).

[10] The Exchange has a Regulatory Services Agreement (''RSA'') with the Financial Industry Regulatory Authority (''FINRA'') to conduct regulatory examinations, among other obligations.

[11] *See* NQX Rule 4615(b)(ii)(A), BX Rule 4615(b)(ii)(A) and PHLX Rule 1094(b)(ii)(A) for consistent provisions.

[12] *See* Supplementary Material .01(a) to Rule 706.

[13] *See* Supplementary Material .01(b)(2)(i) and (b)(3) to Rule 706.

pursuant to Supplementary Material .01(b)(2) to Rule 706.[14]

Today, only members may request connectivity to the Exchange by contacting Nasdaq Subscriber Services. A member may obtain separate ports for the purpose of providing Sponsored Access. If separate ports are requested by a member for the purpose of providing Sponsored Access, the member must request those ports from the Exchange and is responsible for the Sponsored Customer's activity on the Exchange.[15] In all circumstances, the Exchange only permits members to request connectivity to the market and the member is responsible for all customer orders submitted through the member's port. In addition, such connection by the member requires approval by the Exchange for the purpose of testing as well as other relevant information sharing with the Exchange by the member to obtain a port. The Exchange is therefore aware of the member responsible for each of its ports. The Exchange may also request further information about a member's particular customer relationship, including the list of all Authorized Traders who may have access to the Exchange on behalf of the Sponsored Customer, as it deems necessary.[16]

The Exchange believes that completing and submitting the Sponsored Customer Agreement and Addendum is unnecessarily burdensome in light of the current structure in place at the Exchange. The Sponsored Customer Agreement requirement was intended to ensure that the Sponsored Customer was informed of its obligation to comply with the Exchange's Certificate of Formation, By-Laws, Rules and procedures, including the requirements in Supplementary Material .01(b)(2)(iii)–(ix).[17] The agreement also provided the Exchange with contractual privity, which would no longer exist with the removal of the Sponsored Customer Agreement. The Exchange does not believe the loss of privity with the Sponsored Customer creates a concern as the Exchange has the ability to remove access to the port at any time if it determines that the activity of the Sponsored Customer warrants such removal. In addition, as discussed below, the Sponsored Customer will be informed of its obligations through the Customer Agreement that it executed with the Sponsoring Member. As noted above, the Exchange only permits its members to request connectivity to the Exchange's trading system, and members remain responsible for all trades submitted through such ports. Pursuant to Supplementary Material .01(b)(2)(vii) to Rule 706, the trading activity of a Sponsored Customer must be monitored by the Sponsoring Member for compliance with the terms of the Customer Agreement with the Sponsored Customer. Finally, Sponsoring Members continue to be obligated to comply with Supplementary Material .01(b) to Rule 706 and the Market Access Rule. As such, the Sponsoring Member is responsible for any and all actions taken by its Sponsored Customer and any person acting on behalf of or in the name of such Sponsored Customer.

The Addendum requirement was intended to notify the Exchange of the relationship between the Sponsoring Member and the Sponsored Customer, and to provide the Sponsoring Member's express acknowledgment of the Sponsoring Member's responsibility for the orders, executions and actions of its Sponsored Customer. However, as noted above, the Exchange may request additional information about a particular customer relationship as it deems necessary.[18] The Exchange will also require that its members disclose the Sponsored Customer relationship as a condition for approving any ports requested for the purpose of providing Sponsored Access.[19] Accordingly, the Exchange will continue to be notified of Sponsored Customer arrangements even with the removal of the Addendum. Furthermore, as discussed above, Sponsoring Members continue to be obligated to comply with Supplementary Material .01(b) to Rule 706 and the Market Access Rule, and are therefore responsible for any and all actions taken by its Sponsored Customer and any person acting on behalf of or in the name of such Sponsored Customer. The Exchange, through its RSA with FINRA, reviews member compliance with Supplementary Material to Rule 706, including compliance with the Market Access Rule.

Supplementary Material .01(b)(1) to Rule 706 requires that the Sponsored Customer and the Sponsoring Member maintain a Customer Agreement with the sponsorship provisions set forth in paragraph (2) to ensure compliance with Exchange's rules and obligations related to security, among other things. Additionally, Supplementary Material .01(b)(2)(iv) and (v) require that the Customer Agreement include the Sponsored Customer's obligation to maintain, keep current and provide to the Sponsoring Member a list of Authorized Traders who have been granted access to the Exchange on behalf of the Sponsored Customer, and provide such Authorized Traders with appropriate training prior to any use or access to the Exchange. In addition, pursuant to the Customer Agreement provisions required by Rule 706, Supplementary Material .01(b)(vii), the Sponsored Customer is obligated to take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange's System, or the information and data made available therein. Finally, the Customer Agreement must provide that the Sponsored Customer is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of Authorized Traders, and for the trading and other consequences thereof, including granting unauthorized access to the Exchange.[20] The contents and the requirement for a Customer Agreement are unchanged.

Clean-Up Changes

The Exchange proposes to correct two typographical errors in subsections (vii) and (ix) of Supplementary Material .01(b)(2) to Rule 706. First in subsection (vii), the Exchange proposes to correct a typo by replacing ''of'' with ''or'' in the first sentence. The proposed sentence would therefore state ''Sponsored Customer shall take reasonable security precautions to prevent unauthorized use or access to the Exchange . . .''

Second, subsection (ix) would be amended to correct a typo in the last portion of the first sentence. In particular, the phrase ''. . . Sponsored Customers access to and use of the Exchange'' should be ''. . . Sponsored

[14] The Nasdaq Sponsored Access Rules likewise only require a Customer Agreement between the sponsored participant and sponsoring member. *See* NQX Rule 4615(b)(i), BX Rule 4615(b)(i) and PHLX Rule 1094(b)(i).

[15] In such cases, the Nasdaq Exchanges also require members to disclose the sponsored access arrangement as a condition to approving the member's port request. MRX will similarly require members requesting connectivity to MRX for the purpose of providing Sponsored Access to disclose sponsored access arrangements as a condition to approval.

[16] *See* Rule 1601.

[17] These requirements include, among others, the Sponsored Customer's obligation to maintain, keep current and provide to the Sponsoring Member a list of Authorized Traders who may obtain access to the Exchange on behalf of the Sponsored Customer. In addition, the Sponsored Customer must take reasonable security precautions to prevent unauthorized use or access to the Exchange, and is responsible for having adequate procedures and controls in place to comply with MRX's rules.

[18] *See* Rule 1601.

[19] *See* note 15 above.

[20] *See* Rule 706, Supplementary Material .01(b)(vii).

Customer's access to and use of the Exchange.'' Both of these proposed changes are non-substantive clean-ups, and are intended to ensure that the rule text is as accurate and clear as possible.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Overall, the proposed rule change is intended to align the Exchange's sponsored access rules in Supplementary Material to Rule 706 with the Nasdaq Sponsored Access Rules, and is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of the Nasdaq Exchanges. Consistent rules and processes across the Affiliated Exchanges would in turn simplify the regulatory requirements for members of the Exchange that are also participants on the Nasdaq Exchanges. The Exchange believes that its proposal would provide greater harmonization among similar rules and procedures of the Affiliated Exchanges, resulting in greater uniformity and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and national market system.

Defining Sponsored Access

Adding a definition of Sponsored Access will assist market participants to understand the type of arrangements that are subject to Supplementary Material to Rule 706, and such clarity will serve to promote just and equitable principles of trade. The Exchange believes that adding the Sponsored Access definition will provide its members with additional guidance with respect to this Rule.

Defining Customer Agreement

Defining the agreement that Sponsored Customers must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Customer may trade on the Exchange, as a ''Customer Agreement'' will also serve to provide members with clarity on the agreement that the Exchange will continue to require and the obligations that are contained within the Customer Agreement. This amendment is non-substantive.

Market Access Rule

As discussed above, Exchange members will continue to be required to comply with Supplementary Material to Rule 706 and the Market Access Rule. The Exchange believes that specifically enumerating the member's responsibility to comply with the Market Access Rule within the Rule itself will provide members with additional guidance concerning the application of the Rule. This change is non-substantive as members are currently responsible for complying with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirements to submit and complete a Sponsored Customer Agreement and Addendum will remove impediments to and perfect the mechanism of a free and open market by aligning the Exchange's sponsored access rules with the Nasdaq Sponsored Access Rules, which currently do not require additional agreements for their sponsored participants other than a Customer Agreement.[23] The Exchange believes that its proposal would create equivalent sponsored access standards and requirements among the Affiliated Exchanges and also provide clarity to its members, which is beneficial to both investors and the public interest. While elimination of the Sponsored Customer Agreement requirement will also eliminate the Exchange's contractual privity with the Sponsored Customer, the Exchange notes that any potential concerns to the loss of privity are mitigated by the Exchange's ability to restrict the Sponsored Customer's access to a port at any time it is warranted by the Sponsored Customer's trading activity. As discussed above, connectivity to the Exchange must be requested by a member of the Exchange. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. In addition, Supplementary Material .01(b)(2) to Rule 706 delineates the terms of the required contractual relationship between the Sponsoring Member and the Sponsored Customer in the Customer Agreement, which remains in effect. The Exchange also believes that the Addendum is unnecessary in light of the fact that Sponsoring Members must request connectivity to the Exchange as well as enter into a Customer Agreement with the Sponsored Customer. Furthermore, as discussed above, the Exchange will require members to disclose the Sponsored Customer relationship as a condition to approving the member's port request to provide Sponsored Access. Finally, as is the case with other Exchange rules, the Exchange examines for compliance with Supplementary Material to Rule 706 and may request information about any customer relationship which concerns the Exchange pursuant to Rule 1601.

Clean-Up Changes

The Exchange believes that the proposed changes to correct the two typos in subsections (vii) and (ix) of Supplementary Material .01(b)(2) to Rule 706 will add further clarification to the Exchange's Rulebook and alleviate potential confusion as to the applicability of the Exchange's rules, which will protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because all members would be subject to the same sponsored access requirements, as discussed above. The proposed rule change is designed to provide greater harmonization among the sponsored access rules across the Affiliated Exchanges, resulting in more efficient regulatory compliance for common members, and is not intended to have any competitive effect.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* NQX Rule 4615, BX Rule 4615 and PHLX Rule 1094.

become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [24] and subparagraph (f)(6) of Rule 19b–4 thereunder.[25]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [26] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that waiver of the operative delay would allow the Exchange to harmonize its sponsored access rule to the rules of the Nasdaq Exchanges.[28] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change would simplify the regulatory requirements of members of the Exchange that are also participants on the Nasdaq Exchanges. Further, the Commission does not believe that the proposed rule change raises any new or novel issues. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[29]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2018–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MRX–2018–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2018–14 and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10706 Filed 5–18–18; 8:45 am]

BILLING CODE 8011–01–P

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See supra* note 3.

[29] 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).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 12b–1, SEC File No. 270–188, OMB Control No. 3235–0212.

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 12b–1 under the Investment Company Act of 1940 (17 CFR 270.12b–1) permits a registered open-end investment company (''fund'') to bear expenses associated with the distribution of its shares, provided that the fund complies with certain requirements, including, among other things, that it adopt a written plan (''rule 12b–1 plan'') and that it preserves in writing any agreements relating to the rule 12b–1 plan. The rule in part requires that (i) the adoption or material amendment of a rule 12b–1 plan be approved by the fund's directors, including its independent directors, and, in certain circumstances, its shareholders; (ii) the board review quarterly reports of amounts spent under the rule 12b–1 plan; and (iii) the board, including the independent directors, consider continuation of the rule 12b–1 plan and any related agreements at least annually. Rule 12b–1 also requires funds relying on the rule to preserve for six years, the first two years in an easily accessible place, copies of the rule 12b–1 plan and any related agreements and reports, as well as minutes of board meetings that describe the factors considered and the basis for adopting or continuing a rule 12b–1 plan.

Rule 12b–1 also prohibits funds from paying for distribution of fund shares with brokerage commissions on their portfolio transactions. The rule requires funds that use broker-dealers that sell their shares to also execute their portfolio securities transactions, to implement policies and procedures reasonably designed to prevent: (i) The persons responsible for selecting broker-dealers to effect transactions in fund

portfolio securities from taking into account broker-dealers' promotional or sales efforts when making those decisions; and (ii) a fund, its adviser, or its principal underwriter, from entering into any agreement under which the fund directs brokerage transactions or revenue generated by those transactions to a broker-dealer to pay for distribution of the fund's (or any other fund's) shares.

The board and shareholder approval requirements of rule 12b–1 are designed to ensure that fund shareholders and directors receive adequate information to evaluate and approve a rule 12b–1 plan and, thus, are necessary for investor protection. The requirement of quarterly reporting to the board is designed to ensure that the rule 12b–1 plan continues to benefit the fund and its shareholders. The recordkeeping requirements of the rule are necessary to enable Commission staff to oversee compliance with the rule. The requirement that funds or their advisers implement, and fund boards approve, policies and procedures in order to prevent persons charged with allocating fund brokerage from taking distribution efforts into account is designed to ensure that funds' selection of brokers to effect portfolio securities transactions is not influenced by considerations about the sale of fund shares.

Commission staff estimates that there are approximately 7,858 fund portfolios that have at least one share class subject to a rule 12b–1 plan and approximately 323 fund families with common boards of directors that have at least one fund with a 12b–1 plan. The Commission further estimates that the annual hour burden for complying with the rule is 425 hours for each fund family with a portfolio that has a rule 12b–1 plan. We therefore estimate that the total hourly burden per year for all funds to comply with current information collection requirements under rule 12b–1 is 137,275 hours. Commission staff estimates that approximately three funds per year prepare a proxy in connection with the adoption or material amendment of a rule 12b–1 plan. The staff further estimates that the cost of each fund's proxy is $34,849. Thus, the total annual cost burden of rule 12b–1 to the fund industry is $104,547.

Estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collections of information required by Rule 12b–1 are necessary to obtain the benefits of the rule. Notices to the Commission will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, 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.*

All submissions should refer to File Number 270–188. This file number should be included on the subject line if email is used. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov*). All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

Dated: May 16, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10776 Filed 5–18–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83241; File No. SR–CBOE–2018–039]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Its Fees Schedule in Connection With the Exchange's Planned Migration of Standard Third-Friday Options on the S&P 500 Index to the Hybrid Trading System From the Hybrid 3.0 System

May 15, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 3, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule in connection with the Exchange's planned migration of standard third-Friday options on the S&P 500 Index (''SPX options'') to the Hybrid Trading System from the Hybrid 3.0 System.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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

By way of background, a.m.-settled standard third-Friday options on the S&P 500 Index (''SPX options'') were previously traded on the Hybrid 3.0 trading platform. On April 30, 2018, the Exchange retired the Hybrid 3.0 platform and transitioned SPX options series then traded on the Hybrid 3.0 trading platform during Regular Trading Hours (''RTH'') onto the standard Hybrid trading platform. The Exchange notes that SPX options were the only product traded on the Hybrid 3.0 platform and consequently, the symbol for these series remains SPX. In light of SPX's transition to Hybrid, the Exchange proposes to amend its Fees Schedule with respect to references to Hybrid 3.0 and also adopt an SPX Select Market-Makers (''SPX SMMs'') financial incentive program.[5]

First, the Exchange proposes to eliminate references to Hybrid 3.0 in the Fees Schedule. Particularly, the Exchange proposes to rename the ''Hybrid 3.0 Execution Surcharge (SPX only)'' to the ''SPX Hybrid Execution Surcharge (SPX only)''. As noted above, SPX options were the only product available to trade on Hybrid 3.0 and as such, the term Hybrid 3.0 as used for the Hybrid 3.0 Execution Surcharge was synonymous with SPX options. The Exchange similarly proposes to delete and update references to Hybrid 3.0 in corresponding Footnote 21. The Exchange next proposes to eliminate the reference to Hybrid 3.0 in the ''Quoting Bandwidth'' section under ''Trading Permit Descriptions'' in the Trading Permit and Tier Appointment Fees table. Specifically, the Fees Schedule currently provides: ''To the extent a Market-Maker is able to submit electronic quotes in a Hybrid 3.0 class (such as an LMM that streams quotes in the class or a Market-Maker or LMM that streams quotes in a series of a Hybrid 3.0 class that trades on the Hybrid Trading System), the Market-Maker shall receive the quoting bandwidth allowance to quote in, and only in, that class.'' The Exchange proposes to eliminate the reference to Hybrid 3.0 class (which includes both SPX and SPXW) and replace it with ''SPX and/or SPXW''. The Exchange also proposes to eliminate the parenthetical that follows the new reference, as it does not believe it's necessary given that the proposed reference specifies the exact products affected (*i.e.,* SPX and SPXW). The Exchange notes that no substantive changes are being made by the proposed ''Hybrid 3.0'' deletions and corresponding reference updates.

The Exchange lastly proposes to adopt a financial incentive program for SPX Select Market-Makers (''SPX SMMs''), effective May 1, 2018. More specifically, the Exchange proposes to provide incentives to Market-Makers that are appointed as SPX SMMs and meet heightened quoting obligations.[6] SPX SMMs that meet the heightened quoting standard (which shall be explained herein), will receive one Market-Maker Permit and one SPX Tier Appointment free of charge.

By way of background, the Exchange previously appointed Lead Market-Makers (''LMMs'') in SPX. The Exchange does not intend to appoint LMMs in SPX following its transition to the Hybrid trading platform. Rather, the Exchange proposes to provide a financial incentive to Market-Makers that satisfy heightened quoting standards and are appointed by the Exchange to serve as SPX SMMs.[7] Similar to LMMs, the Exchange proposes to provide that it may approve one or more Market-Makers to act as an SMM in SPX for terms of at least one year.[8] Various factors will be considered by the Exchange in selecting SPX SMMs, which include: Adequacy of capital, experience in trading options, presence in the trading crowd, adherence to Exchange rules and ability to meet the heightened quoting standard, described further below. The Exchange notes that the factors it considers in appointing SPX SMMs are the same as the factors it currently uses to appoint LMMs.[9] The Exchange also proposes to provide that removal of an SPX SMM may be effected by the Exchange on the basis of the failure of the SPX SMM to meet the heightened quoting standards or any other applicable Exchange Rule, which standard is the same as used for the removal of LMMs.[10] If an SPX SMM is removed or if for any reason an SPX SMM is no longer eligible for, or resigns, its appointment, the Exchange may appoint one or more interim SPX SMMs for the remainder of the term or shorter time period designated by the Exchange.

With respect to quoting obligations, the Exchange first notes that to the extent the Exchange approves a Market-Maker to act as an SPX SMM, the SMM must comply with the continuous quoting obligation [11] and other obligations of Market-Makers described in Cboe Options Rules. The Exchange proposes that an SPX SMM will receive one Market-Maker Trading Permit and one SPX Tier Appointment free of charge if it (1) provides continuous electronic quotes in 95% of all SPX series 90% of the time in a given month, (2) submits opening quotes that are no wider than the Opening Exchange Prescribed Width (''OEPW'') within one minute of the initiation of an opening rotation in any series that is not open due to the lack of a qualifying quote, on all trading days, to ensure electronic quotes on the open that allow the series to open, (3) submit opening quotes that are no wider than the OEPW quote by 8:00 a.m. (CT) on volatility settlement days and (4) provide quotes for the end-of-month fair value closing rotation on a rotating basis. The Exchange may consider other exceptions to this quoting standard based on demonstrated legal or regulatory requirements or other mitigating circumstances. SPX SMMs will not be obligated to satisfy the aforementioned heightened quoting standard. Rather, SPX SMMs will only receive a waiver of fees otherwise assessed for one Market-Maker Trading Permit and one SPX Tier Appointment if they satisfy the abovementioned heightened quoting standard. If an SPX SMM does not meet the heightened quoting standard, then they simply will not receive one free Trading Permit and Tier Appointment for that month. The Exchange believes the proposed incentive however, will encourage SPX SMMs to provide significant liquidity in

[5] The Exchange initially filed the proposed fee changes on April 20, 2018 (SR–CBOE–2018–032). On May 3, 2018, the Exchange withdrew that filing and submitted this filing.

[6] SPX SMMs would serve as SPX SMMs during the RTH session only for a.m.-settled standard third-Friday options on the S&P 500 Index only (*i.e.,* does not apply to SPXW).

[7] This is similar to Market-Makers that serve as LMMs during the Exchange's Extended Trading Hours Session (''ETH'') (including SPX LMMs during ETH).

[8] On March 23, 2018, the Exchange issued an Exchange Notice which announced that the Exchange had appointed 4 LMMs (now proposed to be known as ''SPX SMMs'') in SPX for A.M.-settled SPX options (P.M.-settled options, which already trade on Hybrid, will continue to utilize a competing Market-Maker structure without any LMMs). The SPX SMM appointments will be effective for a one-year period, beginning on the launch date for SPX trading on Hybrid. The financial incentive will not apply for the month of April 2018.

[9] *See* Cboe Options Rule 8.15(a)(i).

[10] *See* Cboe Options Rule 8.15(a)(ii).

[11] *See e.g.,* Cboe Options Rule 8.7.

SPX. Additionally, the Exchange notes that it expects that TPHs may need to undertake expenses to be able to quote at a significantly heightened standard in these classes, such as purchase additional bandwidth. The Exchange notes that the proposed financial incentive program for SPX SMMs is similar to the rebate program adopted for ETH LMMs, as both programs offer financial benefits for meeting increased quoting standards as opposed to providing benefits for those that are required to meet heightened quoting obligations.[12]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes eliminating references to ''Hybrid 3.0'' in the Fees Schedule helps avoid confusion by eliminating language that will be rendered obsolete following the transition of moving the only product trading on the Hybrid 3.0 platform (*i.e.,* SPX options series) to the Hybrid trading platform, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system. The Exchange notes that no substantive changes are being made by eliminating references to Hybrid 3.0.

The Exchange believes it is reasonable to offer SPX SMMs that meet a certain heightened quoting standard (described above) one free Market-Maker Trading Permit and one SPX Tier Appointment given the potential added costs that an SPX SMM may undertake in order to satisfy that heightened quoting standard (*e.g.,* having to purchase additional bandwidth). Additionally, if an SPX SMM does not satisfy the heightened quoting standard, then it will not receive the proposed free Trading Permit and Tier Appointment.

The Exchange believes it is equitable and not unfairly discriminatory to only offer the financial incentive to SPX SMMs because it benefits all market participants trading in the SPX to encourage SPX SMMs to satisfy the heightened quoting standards, which may increase liquidity and provide more trading opportunities and tighter spreads. Because there are no additional required obligations imposed on SPX SMMs, they receive no additional benefits (*e.g.,* no participation entitlement). The Exchange notes that creating an incentive in which SPX SMMs must satisfy a heightened standard encourages Market-Makers that are appointed as SPX SMMs to provide significant liquidity in SPX. The Exchange notes that without the proposed financial incentive, there would not be sufficient incentive for Trading Permit Holders to undertake an obligation to quote at heightened levels, which could result in lower levels of liquidity. The SPX SMM incentive program is also reasonable, as it is designed to encourage increased quoting to add liquidity in SPX, thereby protecting investors and the public interest.

The Exchange also believes the incentive program is not unfairly discriminatory, as all Trading Permit Holders have the opportunity to apply to act as SPX SMMs and participate in the incentive program, and the Exchange will appoint SPX SMMs based on the factors described above, which are proposed to be set forth in the Fees Schedule and otherwise disclosed to Trading Permit Holders.[16] The Exchange notes that the factors used by the Exchange in appointing SPX SMMs are the same currently used to appoint LMMs.[17] The Exchange lastly notes that a similar financial incentive program was adopted for appointed LMMs in ETH.[18]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while the financial incentive is offered only to certain market participants (*i.e.,* appointed SPX SMMs that meet a heightened quoting standard), those market participants must meet heightened quoting standards to receive the financial incentive. Additionally, SPX SMMs may incur additional costs to meet the heightened quoting standard. The Exchange believes the financial incentive of one free Trading Permit and Tier Appointment encourages those market participants to bring liquidity to the Exchange in SPX options (which benefits all market participants).

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because SPX options are proprietary products that will only be traded on Cboe Options. To the extent that the proposed changes make Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[12] *See* Cboe Options Fees Schedule, Footnote 38.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(4).

[16] *See* Exchange Notice ''Solicitation for SPX Lead Market-Makers (''LMMs'') During Regular Trading Hours (''RTH'')'' (dated February 27, 2018).

[17] *See* Cboe Options Rule 8.15(i).

[18] *See* Cboe Options Fees Schedule, Footnote 38 and Cboe Options Rule 6.1A.

19(b)(3)(A) of the Act[19] and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[21] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[22] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. According to the Exchange, waiver of the operative delay will allow the immediate implementation of the SPX SMM program and updated references relating to ''Hybrid 3.0''. The Exchange also states that delaying the implementation of the SPX SMM program could result in lower levels of liquidity, as without the program there may not be sufficient incentive for Trading Permit Holders to undertake an obligation to quote at heightened levels. In addition, the Exchange states that the SPX SMM program does not present any new or novel issues. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. As discussed above by the Exchange, there are no new or novel issues raised by the proposed rule change. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[23]

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.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 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.

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(iii).

[23] 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).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–CBOE–2018–039 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE-*2018–039.* 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–CBOE–2018–039 and should be submitted on or before June 11, 2018.

[24] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10708 Filed 5–18–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83243; File No. SR–ICEEU–2018–001]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to Amendments to the ICE Clear Europe CDS Clearing Stress Testing Policy

May 15, 2018.

I. Introduction

On February 6, 2018, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and rule 19b–4 thereunder,[2] a proposed rule change (SR–ICEEU–2018–001) to revise its CDS Clearing Stress-Testing Policy (''Stress Testing Policy'') to, among other things: (i) Re-categorize its CDS stress testing scenarios; (ii) add provisions addressing specific wrong way risk; (iii) implement new forward-looking credit event scenarios; and (iv) make certain clarifications and enhancements. The proposed rule change was published for comment in the **Federal Register** on February 16, 2018.[3] The Commission did not receive comments on the proposed rule change. On April 2, 2018, the Commission designated a longer period for Commission action on the proposed rule change.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

As currently constructed, ICE Clear Europe's Stress Testing Policy contains a number of stress testing scenarios. These stress testing scenarios are applied to portfolios of positions as part of ICE Clear Europe's risk management processes for its credit default swap (''CDS'') product class.[5] Under the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–82692 (February 12, 2018), 83 FR 7096 (February 16, 2018) (SR–ICEEU–2018–001) (''Notice'').

[4] Securities Exchange Act Release No. 34–82978 (April 2, 2018), 83 FR 14901 (April 6, 2018) (SR–ICEEU–2018–001).

[5] Notice, 83 FR at 7096.

proposed amendments, ICE Clear Europe would re-categorize the current stress testing scenarios included in its Stress Testing Policy from the three standard categories currently used into two broad categories: (i) Extreme but plausible market scenarios; and (ii) extreme market scenarios.[6] Included in the extreme but plausible market scenarios category would be both historical scenarios (for example, scenarios based on the 2008/2009 credit crisis, and the Lehman Brothers default, among others) and certain hypothetical scenarios (for example, hypothetical inversion or steepening of credit spread curves, or the opposite of a historical scenario).[7] Included in the extreme market scenarios category would be extreme but plausible scenarios, but with higher magnitudes of spread widening or tightening incorporated into the scenario.[8] In addition, the Stress Testing Policy would be amended to clarify the approach used for scaling the spread widening or tightening with respect to the extreme market scenarios category.[9]

In addition to re-categorizing existing stress scenarios, ICE Clear Europe also proposes to add a new set of stress testing scenarios, which would be included in the extreme but plausible category of market scenarios. These new scenarios would be forward-looking and based on historical extreme but plausible stress scenarios, but would incorporate the occurrence of specified adverse credit events involving both Clearing Member and non-Clearing Member reference entities. ICE Clear Europe also proposes to incorporate a new ''Opposite Lehman Brothers'' scenario into its Stress Testing Policy.[10] This new scenario would be included in the extreme market scenarios category and derived from a Lehman Brothers scenario that is part of the current Stress Testing Framework.

The current ICE Clear Europe Stress Testing Policy does not address specific wrong way risk.[11] Under the proposed amendments, ICE Clear Europe would amend the Stress Testing Policy to provide that, where a portfolio that is subject to stress testing presents specific wrong way risk, the calculation of hypothetical losses will take into account the full uncollateralized loss given default.[12]

In addition to addressing specific wrong way risk, ICE Clear Europe also proposes to amend its Stress Testing Policy to add a section that discusses the overall Board risk appetite framework to align the Stress Testing Policy with other policy documents that also contain discussion of the Board risk appetite framework.[13] Currently, the Stress Testing Policy does not contain a discussion of ICE Clear Europe's Board risk appetite framework.

The section of the Stress Testing Policy dealing with guaranty fund adequacy currently provides for an analysis of positions constituting Clearing Member sold protection. Under the proposed amendments, ICE Clear Europe would amend this section of the Stress Testing Policy to provide that stress testing will be performed on both Clearing Member sold and bought credit protection positions to test the primary risk drivers of Clearing Member Portfolios that would result in the guaranty fund being depleted.

In addition, the proposed changes to this section would provide that the maximum level for hypothetical spread realizations used in the guaranty fund adequacy analysis will be set such that the stress test loss will result in full depletion of the guaranty fund.[14] Currently, the Stress Testing Policy does not explicitly provide a set maximum that the hypothetical spread realizations will reach, but instead provides that certain ICE Clear Europe personnel are to determine the extent to which hypothetical spread realizations widen.

ICE Clear Europe also proposes to revise the Stress Testing Policy by adding a new section that addresses the validation of the models underlying the Stress Testing Policy, as well providing for review of the Stress Testing Policy by ICE Clear Europe personnel, the CDS Risk Committee, and the Board Risk Committee. Currently, the Stress Testing Policy does not contain provisions explicitly addressing validation of the models set forth in the Stress Testing Policy. Similarly, while the Stress Testing Policy contains provisions regarding review of the result of the stress tests, it does not currently contain provisions regarding review of the policy itself. The new section of the Stress Testing Policy would provide for certain routine review, notification, and escalation processes on the part of designated ICE Clear Europe personnel, the CDS Risk Committee, and the Board Risk Committee in the event relevant thresholds are breached.[15] Specifically, these review requirements would require that the Stress Testing Policy be kept up-to-date, as well as provide for an annual review by ICE Clear Europe's CDS Risk Committee and the Board Risk Committee. Additionally, the proposed rule change would implement a notification and escalation process in the event that certain established thresholds are breached. Depending on the extent of the breach, the notification and escalation process may require a particular response and review of the response by the Executive Risk Committee or the Board Risk Committee

Finally, ICE Clear Europe proposes certain clarifying edits including providing for updated references to ICE Clear Europe personnel titles, management structures, and governance policies, and to also provide greater detail surrounding the scaling approach used for spread tightening or widening in connection with the extreme market scenarios. ICE Clear Europe also proposes to remove from the Stress Testing Policy certain tables that describe specific scenarios because such tables are unnecessary in light of the revised organizational structure described above.[16]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule changes of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[17] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[18] and Rules 17Ad–22(e)(4)(vi)(A) through (D) and 17Ad–22(e)(4)(vii) thereunder.[19]

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, and to assure the safeguarding of securities and funds which are in the custody or

[6] *Id.*

[7] *Id.* at 7096–97.

[8] Notice, 83 FR at 7097.

[9] *Id.*

[10] Notice, 83 FR at 7097.

[11] ICE Clear Europe defines specific wrong way risk as the risk arising where a Clearing Member has provided credit protection on itself or an affiliate. *See* Notice, 83 FR at 7097.

[12] *Id.*

[13] Notice, 83 FR at 7097.

[14] *Id.*

[15] Notice, 83 FR at 7097.

[16] *Id.*

[17] 15 U.S.C. 78s(b)(2)(C).

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 17 CFR 240.17Ad–22(e)(4)(vi)(A)–(D), (e)(4)(vii).

control of the clearing agency or for which it is responsible.[20] The proposed rule change would re-categorize ICE Clear Europe's existing stress testing scenarios while adding a new set of forward-looking stress testing scenarios that incorporate adverse credit events involving Clearing Member and non-Clearing Member reference entities, as well as the Opposite Lehman Brothers stress testing scenario. The proposed rule change also would address specific wrong way risk, and would test the guaranty fund for full depletion.

By (i) adopting the new forward-looking stress testing scenarios, as well as the Opposite Lehman Brothers scenario, (ii) incorporating the uncollateralized loss given default for portfolios exhibiting specific wrong way risk, and (iii) testing the guaranty fund for full depletion, the Commission believes that ICE Clear Europe will be able to obtain additional information from the results of the new stress testing scenarios that it would not otherwise have, and this additional information will be relevant to determining the appropriate level of risk management resources that ICE Clear Europe should maintain. As a result, the Commission believes that ICE Clear Europe will be better able to calculate and collect such resources, which in turn will improve ICE Clear Europe's ability to promote the prompt and accurate clearance and settlement of derivatives agreements, contracts, and transactions, and to assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[21]

B. Consistency With Rule 17Ad–22(e)(4)(vi)(A)

Rule 17Ad–22(e)(4)(vi)(A) requires, in relevant part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to test the sufficiency of its total financial resources available to meet the minimum financial resource requirements under Rule 17Ad–22(e)(4)(i) through (iii) by conducting stress testing of its total financial resources once each day using standard predetermined parameters and assumptions.[22] As noted above, the proposed rule change would add a set of new standardized stress testing scenarios (forward-looking scenarios based on historical stress testing scenarios and the Opposite Lehman Brothers scenario), and also would implement a hypothetical spread widening level that would result in depletion of the guaranty fund. These standardized stress testing scenarios and related assumptions would be incorporated into ICE Clear Europe's existing Stress Testing Policy, which it uses to conduct daily stress testing of its risk management financial resources.

Based on a review and analysis of the Notice and the Stress Testing Policy, the Commission finds that the proposed rule change will add standardized stress scenarios that are relevant to the products that ICE Clear Europe clears, including security-based swaps, and that these additions will allow ICE Clear Europe to obtain from the results of the new stress testing scenarios additional information that will be relevant to determining the sufficiency of its total financial resources on a daily basis. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Rule 17Ad–22(e)(4)(vi)(A).[23]

C. Consistency With Rule 17Ad–22(e)(4)(vi)(B) Through (D)

Rules 17Ad–22(e)(4)(vi)(B) through (D) require, in relevant part, that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to: (i) Conduct a comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions, and consider modifications to ensure they are appropriate for determining the covered clearing agency's required level of default protection in light of current and evolving market conditions; (ii) conduct a comprehensive analysis of stress testing scenarios, models, and underlying parameters and assumptions more frequently than monthly when the products cleared or markets served display high volatility or become less liquid, or when the size or concentration of positions held by the covered clearing agency's participants increases significantly; and (iii) report the results of the analyses described above to appropriate decision makers at the covered clearing agency, including but not limited to, its risk management committee or board of directors.[24]

The proposed rule change would implement certain requirements regarding the routine review of the Stress Testing Policy, including, as described above, a requirement that the Stress Testing Policy be kept up-to-date, an annual review by ICE Clear Europe's CDS Risk Committee and the Board Risk Committee, and implementation of a notification and escalation process in the event that certain established thresholds are breached that could, depending on the extent of the breach, require a particular response and review of the response by the Executive Risk Committee or the Board Risk Committee.

The Commission believes that these proposed changes, in combination with existing provisions in the Stress Testing Policy requiring detailed analysis of stress testing results on a monthly basis, or more frequent analysis in stressed market conditions, will enhance ICE Clear Europe's processes for review of its Stress Testing Policy and stress testing results, and will also result in improved oversight by ICE Clear Europe's Executive Risk Committee and Board Risk Committee. As a result, the Commission finds that the proposed rule changes are consistent with the requirements of Rules 17Ad–22(e)(4)(vi)(B) through (D).[25]

D. Consistency With Rule 17Ad–22(e)(4)(vii)

Rule 17Ad–22(e)(4)(vii) requires, in relevant part, a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to perform a model validation for its credit risk models not less than annually.[26] The Commission finds that, because the proposed rule change would amend the Stress Testing Policy to provide for an annual independent model validation, it is consistent with the requirements of Rule 17Ad–22(e)(4)(vii).[27]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act,[28] and Rules 17Ad–22(e)(4)(vi)(A) through (D),[29] and 17Ad–22(e)(4)(vii)[30] thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act[31] that the

[20] 15 U.S.C. 78q–1(b)(3)(F).

[21] 15 U.S.C. 78q–1(b)(3)(F).

[22] 17 CFR 240.17Ad–22(e)(4)(vi)(A).

[23] 17 CFR 240.17Ad–22(e)(4)(vi)(A).

[24] 17 CFR 240.17Ad–22(e)(4)(vi)(B)–(D).

[25] 17 CFR 240.17Ad–22(e)(4)(vi)(B)–(D).

[26] 17 CFR 240.17Ad–22(e)(4)(vii).

[27] *Id.*

[28] 15 U.S.C. 78q–1.

[29] 17 CFR 240.17Ad–22(e)(4)(vi)(A)–(D).

[30] 17 CFR 240.17Ad–22(e)(4)(vii).

[31] 15. U.S.C. 78s(b)(2).

proposed rule change (ICEEU–2018–001) be, and hereby is, approved.[32]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10710 Filed 5–18–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83237; File No. SR–GEMX–2018–15]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Supplementary Material to Rule 706 To Harmonize Its Sponsored Access Rules With Those of Its Affiliates

May 15, 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 9, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material to Rule 706 to harmonize its sponsored access rules with those of its affiliates, The Nasdaq Stock Market LLC (''NQX''), Nasdaq BX, Inc. (''BX'') and Nasdaq PHLX LLC (''PHLX,'' and together with NQX and BX, ''Nasdaq Exchanges'').

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Supplementary Material to Rule 706, which contains the Exchange's sponsored access rules, to harmonize these rules with those of the Nasdaq Exchanges.[3] On March 9, 2016, the Exchange and its affiliates, International Securities Exchange, LLC (now, Nasdaq ISE, LLC) (''ISE'') and ISE Mercury, LLC (now, Nasdaq MRX, LLC) (''MRX'' and together with ISE and GEMX, ''ISE Exchanges''), were acquired by Nasdaq, Inc. (''Acquisition'').[4] In the context of the Acquisition, the ISE Exchanges have been working to align certain of its rules and processes with those of the Nasdaq Exchanges in order to provide consistent standards across the six exchanges owned and operated by Nasdaq, Inc. (collectively, ''Affiliated Exchanges''). As part of this effort, the proposal set forth below harmonizes the Exchange's sponsored access rules with the Nasdaq Sponsored Access Rules in order to provide uniform standards and requirements for users of the Affiliated Exchanges.[5]

In particular, the Exchange proposes to (1) define the term ''Sponsored Access'' and ''Customer Agreement;'' (2) specify the requirement to comply with Rule 15c3–5 under the Act (''Market Access Rule''); (3) remove the requirements that each Sponsored Customer and each Sponsoring Member enter into certain agreements with the Exchange; and (4) make a number of related, non-substantive changes. Each change is discussed in detail as follows.

Defining Sponsored Access

A Sponsored Customer is a non-member of the Exchange, such as an institutional investor, that gains access to the Exchange[6] and trades under a Sponsoring Member's execution and clearing identity pursuant to a sponsorship arrangement between such non-member and Sponsoring Member, as set forth in Supplementary Material to Rule 706. The Exchange is proposing to define the term ''Sponsored Access'' to clarify the type of market access arrangement that is subject to this rule. Accordingly, the Exchange proposes to amend Supplementary Material .01(a) to Rule 706 to add the following definition: ''Sponsored Access shall mean an arrangement whereby a Member permits its customers to enter orders into the System that bypass the Member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'' This definition mirrors the language set forth in the Nasdaq Sponsored Access Rules,[7] and is derived from the Commission's description of Sponsored Access used in the release approving the Market Access Rule.[8] The Exchange believes that defining Sponsored Access in Supplementary Material .01(a) to Rule 706 will provide market participants with greater clarity regarding Sponsored Access and their obligations with respect to this type of access arrangement.

Defining Customer Agreement

The Exchange proposes to amend Supplementary Material .01(b)(1) to Rule 706 to define the agreement that Sponsored Customers must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through

[32] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* NQX Rule 4615, BX Rule 4615 and PHLX Rule 1094 (collectively, ''Nasdaq Sponsored Access Rules'').

[4] *See* Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11; SR–ISEGemini–2016–05; SR–ISEMercury–2016–10).

[5] ISE and MRX will each file similar rule change proposals with the Commission to harmonize their sponsored access rules with the Nasdaq Sponsored Access Rules.

[6] For example, a broker-dealer may allow its customer—whether an institution such as a hedge fund, mutual fund, bank or insurance company, an individual, or another broker-dealer—to use the broker-dealer's MPID, account or other mechanism or mnemonic used to identify a market participant for the purposes of electronically accessing the Exchange.

[7] *See* NQX Rule 4615(a), BX Rule 4615(a) and PHLX Rule 1094(a).

[8] The Market Access Rule, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access. *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

which the Sponsored Customer may trade on the Exchange, as a ''Customer Agreement.'' [9]

Market Access Rule

Pursuant to Supplementary Material .01(b)(2) to Rule 706, the Sponsoring Member is responsible for the activities of the Sponsored Customer. Sponsored Customers are required to have procedures in place to comply with the Exchange's rules, and the Sponsoring Member takes responsibility for the Sponsored Customer's activity on the Exchange. Members may have multiple Sponsored Access relationships in place at a given time. The Exchange's examination program assesses compliance with the sponsored access rules set forth in Supplementary Material to Rule 706, among other rules.[10] The Exchange now proposes to specifically enumerate in Supplementary Material .01(b)(2) to Rule 706 the member's obligation to comply with the Market Access Rule, with which Members are currently required to comply in connection with market access.[11] The Exchange believes that specifying the obligation to comply with the Market Access Rule within the rule itself will reinforce that Supplementary Material to Rule 706 presupposes member compliance with the Market Access Rule.

Elimination of Certain Contract Requirements

The Exchange currently requires a Sponsored Customer Agreement between the Sponsored Customer and the Exchange,[12] and a Sponsored Customer Addendum to the member access agreement (hereinafter, ''Addendum'') that is provided to the Exchange by the Sponsoring Member.[13] At this time, the Exchange proposes to remove the existing requirements to submit the Sponsored Customer Agreement and Addendum to the Exchange in order to align its sponsored access rules with the Nasdaq Sponsored Access Rules. The Exchange will continue to require a Customer Agreement between the Sponsored Customer and Sponsoring Member pursuant to Supplementary Material .01(b)(2) to Rule 706.[14]

Today, only members may request connectivity to the Exchange by contacting Nasdaq Subscriber Services. A member may obtain separate ports for the purpose of providing Sponsored Access. If separate ports are requested by a member for the purpose of providing Sponsored Access, the member must request those ports from the Exchange and is responsible for the Sponsored Customer's activity on the Exchange.[15] In all circumstances, the Exchange only permits members to request connectivity to the market and the member is responsible for all customer orders submitted through the member's port. In addition, such connection by the member requires approval by the Exchange for the purpose of testing as well as other relevant information sharing with the Exchange by the member to obtain a port. The Exchange is therefore aware of the member responsible for each of its ports. The Exchange may also request further information about a member's particular customer relationship, including the list of all Authorized Traders who may have access to the Exchange on behalf of the Sponsored Customer, as it deems necessary.[16]

The Exchange believes that completing and submitting the Sponsored Customer Agreement and Addendum is unnecessarily burdensome in light of the current structure in place at the Exchange. The Sponsored Customer Agreement requirement was intended to ensure that the Sponsored Customer was informed of its obligation to comply with the Exchange's Certificate of Formation, By-Laws, Rules and procedures, including the requirements in Supplementary Material .01(b)(2)(iii)–(ix).[17] The agreement also provided the Exchange with contractual privity, which would no longer exist with the removal of the Sponsored Customer Agreement. The Exchange does not believe the loss of privity with the Sponsored Customer creates a concern as the Exchange has the ability to remove access to the port at any time if it determines that the activity of the Sponsored Customer warrants such removal. In addition, as discussed below, the Sponsored Customer will be informed of its obligations through the Customer Agreement that it executed with the Sponsoring Member. As noted above, the Exchange only permits its members to request connectivity to the Exchange's trading system, and members remain responsible for all trades submitted through such ports. Pursuant to Supplementary Material .01(b)(2)(vii) to Rule 706, the trading activity of a Sponsored Customer must be monitored by the Sponsoring Member for compliance with the terms of the Customer Agreement with the Sponsored Customer. Finally, Sponsoring Members continue to be obligated to comply with Supplementary Material .01(b) to Rule 706 and the Market Access Rule. As such, the Sponsoring Member is responsible for any and all actions taken by its Sponsored Customer and any person acting on behalf of or in the name of such Sponsored Customer.

The Addendum requirement was intended to notify the Exchange of the relationship between the Sponsoring Member and the Sponsored Customer, and to provide the Sponsoring Member's express acknowledgment of the Sponsoring Member's responsibility for the orders, executions and actions of its Sponsored Customer. However, as noted above, the Exchange may request additional information about a particular customer relationship as it deems necessary.[18] The Exchange will also require that its members disclose the Sponsored Customer relationship as a condition for approving any ports requested for the purpose of providing Sponsored Access.[19] Accordingly, the Exchange will continue to be notified of Sponsored Customer arrangements even with the removal of the Addendum. Furthermore, as discussed above, Sponsoring Members continue to be obligated to comply with Supplementary Material .01(b) to Rule 706 and the Market Access Rule, and are therefore responsible for any and all actions taken by its Sponsored Customer and any person acting on behalf of or in the name of such Sponsored Customer.

[9] The Nasdaq Sponsored Access Rules also similarly define ''Customer Agreement.'' *See* NQX Rule 4615(b)(i), BX Rule 4615(b)(i) and PHLX Rule 1094(b)(i).

[10] The Exchange has a Regulatory Services Agreement (''RSA'') with the Financial Industry Regulatory Authority (''FINRA'') to conduct regulatory examinations, among other obligations.

[11] *See* NQX Rule 4615(b)(ii)(A), BX Rule 4615(b)(ii)(A) and PHLX Rule 1094(b)(ii)(A) for consistent provisions.

[12] *See* Supplementary Material .01(a) to Rule 706.

[13] *See* Supplementary Material .01(b)(2)(i) and (b)(3) to Rule 706.

[14] The Nasdaq Sponsored Access Rules likewise only require a Customer Agreement between the sponsored participant and sponsoring member. *See* NQX Rule 4615(b)(i), BX Rule 4615(b)(i) and PHLX Rule 1094(b)(i).

[15] In such cases, the Nasdaq Exchanges also require members to disclose the sponsored access arrangement as a condition to approving the member's port request. GEMX will similarly require members requesting connectivity to GEMX for the purpose of providing Sponsored Access to disclose sponsored access arrangements as a condition to approval.

[16] *See* Rule 1601.

[17] These requirements include, among others, the Sponsored Customer's obligation to maintain, keep current and provide to the Sponsoring Member a list of Authorized Traders who may obtain access to the Exchange on behalf of the Sponsored Customer. In addition, the Sponsored Customer must take reasonable security precautions to prevent unauthorized use or access to the Exchange, and is responsible for having adequate procedures and controls in place to comply with GEMX's rules.

[18] *See* Rule 1601.

[19] *See* note 15 above.

The Exchange, through its RSA with FINRA, reviews member compliance with Supplementary Material to Rule 706, including compliance with the Market Access Rule.

Supplementary Material .01(b)(1) to Rule 706 requires that the Sponsored Customer and the Sponsoring Member maintain a Customer Agreement with the sponsorship provisions set forth in paragraph (2) to ensure compliance with Exchange's rules and obligations related to security, among other things. Additionally, Supplementary Material .01(b)(2)(iv) and (v) require that the Customer Agreement include the Sponsored Customer's obligation to maintain, keep current and provide to the Sponsoring Member a list of Authorized Traders who have been granted access to the Exchange on behalf of the Sponsored Customer, and provide such Authorized Traders with appropriate training prior to any use or access to the Exchange. In addition, pursuant to the Customer Agreement provisions required by Rule 706, Supplementary Material .01(b)(vii), the Sponsored Customer is obligated to take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange's System, or the information and data made available therein. Finally, the Customer Agreement must provide that the Sponsored Customer is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of Authorized Traders, and for the trading and other consequences thereof, including granting unauthorized access to the Exchange.[20] The contents and the requirement for a Customer Agreement are unchanged.

Clean-Up Changes

The Exchange proposes to correct two typographical errors in subsections (vii) and (ix) of Supplementary Material .01(b)(2) to Rule 706. First in subsection (vii), the Exchange proposes to correct a typo by replacing ''of'' with ''or'' in the first sentence. The proposed sentence would therefore state ''Sponsored Customer shall take reasonable security precautions to prevent unauthorized use or access to the Exchange . . .''

Second, subsection (ix) would be amended to correct a typo in the last portion of the first sentence. In particular, the phrase ''. . . Sponsored Customers access to and use of the Exchange'' should be ''. . . Sponsored Customer's access to and use of the Exchange.'' Both of these proposed changes are non-substantive clean-ups, and are intended to ensure that the rule text is as accurate and clear as possible.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Overall, the proposed rule change is intended to align the Exchange's sponsored access rules in Supplementary Material to Rule 706 with the Nasdaq Sponsored Access Rules, and is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of the Nasdaq Exchanges. Consistent rules and processes across the Affiliated Exchanges would in turn simplify the regulatory requirements for members of the Exchange that are also participants on the Nasdaq Exchanges. The Exchange believes that its proposal would provide greater harmonization among similar rules and procedures of the Affiliated Exchanges, resulting in greater uniformity and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and national market system.

Defining Sponsored Access

Adding a definition of Sponsored Access will assist market participants to understand the type of arrangements that are subject to Supplementary Material to Rule 706, and such clarity will serve to promote just and equitable principles of trade. The Exchange believes that adding the Sponsored Access definition will provide its members with additional guidance with respect to this Rule.

Defining Customer Agreement

Defining the agreement that Sponsored Customers must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Customer may trade on the Exchange, as a ''Customer Agreement'' will also serve to provide members with clarity on the agreement that the Exchange will continue to require and the obligations that are contained within the Customer Agreement. This amendment is non-substantive.

Market Access Rule

As discussed above, Exchange members will continue to be required to comply with Supplementary Material to Rule 706 and the Market Access Rule. The Exchange believes that specifically enumerating the member's responsibility to comply with the Market Access Rule within the Rule itself will provide members with additional guidance concerning the application of the Rule. This change is non-substantive as members are currently responsible for complying with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirements to submit and complete a Sponsored Customer Agreement and Addendum will remove impediments to and perfect the mechanism of a free and open market by aligning the Exchange's sponsored access rules with the Nasdaq Sponsored Access Rules, which currently do not require additional agreements for their sponsored participants other than a Customer Agreement.[23] The Exchange believes that its proposal would create equivalent sponsored access standards and requirements among the Affiliated Exchanges and also provide clarity to its members, which is beneficial to both investors and the public interest. While elimination of the Sponsored Customer Agreement requirement will also eliminate the Exchange's contractual privity with the Sponsored Customer, the Exchange notes that any potential concerns to the loss of privity are mitigated by the Exchange's ability to restrict the Sponsored Customer's access to a port at any time it is warranted by the Sponsored Customer's trading activity. As discussed above, connectivity to the Exchange must be requested by a member of the Exchange. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. In addition, Supplementary Material .01(b)(2) to Rule 706 delineates the terms of the required contractual relationship between the Sponsoring Member and the Sponsored Customer in

[20] *See* Rule 706, Supplementary Material .01(b)(vii).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* NQX Rule 4615, BX Rule 4615 and PHLX Rule 1094.

the Customer Agreement, which remains in effect. The Exchange also believes that the Addendum is unnecessary in light of the fact that Sponsoring Members must request connectivity to the Exchange as well as enter into a Customer Agreement with the Sponsored Customer. Furthermore, as discussed above, the Exchange will require members to disclose the Sponsored Customer relationship as a condition to approving the member's port request to provide Sponsored Access. Finally, as is the case with other Exchange rules, the Exchange examines for compliance with Supplementary Material to Rule 706 and may request information about any customer relationship which concerns the Exchange pursuant to Rule 1601.

The Exchange believes that the proposed changes to correct the two typos in subsections (vii) and (ix) of Supplementary Material .01(b)(2) to Rule 706 will add further clarification to the Exchange's Rulebook and alleviate potential confusion as to the applicability of the Exchange's rules, which will protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because all members would be subject to the same sponsored access requirements, as discussed above. The proposed rule change is designed to provide greater harmonization among the sponsored access rules across the Affiliated Exchanges, resulting in more efficient regulatory compliance for common members, and is not intended to have any competitive effect.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and subparagraph (f)(6) of Rule 19b–4 thereunder.[25]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[26] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that waiver of the operative delay would allow the Exchange to harmonize its sponsored access rule to the rules of the Nasdaq Exchanges.[28] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change would simplify the regulatory requirements of members of the Exchange that are also participants on the Nasdaq Exchanges. Further, the Commission does not believe that the proposed rule change raises any new or novel issues. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[29]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See supra* note 3.

[29] 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).

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–GEMX–2018–15 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–GEMX–2018–15. 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–GEMX–2018–15 and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10704 Filed 5–18–18; 8:45 am]

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[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83247; File No. SR–CboeBZX–2018–035]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 2.12 To Add References to Cboe Options and C2

May 15, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 14, 2018, Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 2.12 to add references to Cboe Exchange, Inc. (''Cboe Options'') and Cboe C2 Exchange, Inc. (''C2''). The Exchange does not propose to amend the requirements of this rule.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Cboe BZX Exchange, Inc.

Rules

* * * * *

Rule 2.12. Cboe Trading, Inc. as Inbound Router

(a) For so long as the Exchange is affiliated with *Cboe Exchange, Inc., Cboe C2 Exchange, Inc.,* Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc. or Cboe EDGX Exchange Inc., (each, a ''Cboe [Bats]Exchange''), and Cboe Trading, Inc. in its capacity as a facility of each Cboe [Bats]Exchange is utilized for the routing of orders from each Cboe [Bats]Exchange to the Exchange, (such function of Cboe Trading, Inc. is referred to as the ''Inbound Router''), the Exchange undertakes as follows:

(1)–(4) No change.

(b) Provided the above conditions are complied with, and provided further that Cboe Trading, Inc. operates as an outbound router on behalf of each Cboe [Bats]Exchange on the same terms and conditions as it does for the Exchange, and in accordance with the Rules of each Cboe [Bats]Exchange, Cboe Trading, Inc. may provide inbound routing services to the Exchange from each Cboe [Bats]Exchange.

* * * * *

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

In December 2016, the Exchange and its affiliates[5] received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Bats Global Markets, Inc. with CBOE Holdings, Inc. (now known as Cboe Global Markets, Inc.), the parent company of Cboe Options and C2.[6] Hereinafter, the Exchange, BYX, EDGA, EDGX, Cboe Options, and C2 will be collectively referred to as the ''Cboe Affiliated Exchanges.''

In connection with the Merger, the Cboe Affiliated Exchanges are working to migrate Cboe Options and C2 onto the Bats technology platform, and align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges.[7] The Exchange proposes to amend Rule 2.12 to reflect that Cboe Options and C2 are affiliated with the Exchange and that upon completion of the migration, Cboe Trading, Inc. (''Cboe Trading'') may also act as the inbound router for routing orders from Cboe Options and C2 to the Exchange. The Exchange also proposes to amend Rule 2.12 to update the defined term ''Cboe Bats Exchange'' to ''Cboe Exchange'' to reflect that all Cboe Affiliated Exchanges, not just BYX, EDGA, and EDGX, are included in the definition. The Exchange previously implemented limitations and conditions on Cboe Trading's affiliation with the Exchange in order to permit the Exchange to accept inbound orders that Cboe Trading routes in its capacity as a facility of the Exchange, BYX, EDGA, and EDGX.[8] Those same conditions and limitations will apply to any inbound orders that Cboe Trading routes in its capacity as a facility of Cboe Options and C2.

Cboe Trading currently provides Members of the Exchange, BYX, EDGA, and EDGX with optional routing services to other market centers. In certain circumstances, Cboe Trading provides inbound routing from BYX, EDGA, or EDGX to the Exchange. Exchange Rule 2.12 governs this inbound routing of orders by Cboe Trading to the Exchange in Cboe Trading's capacity as a facility of the Exchange. The Exchange proposes to amend Rule 2.12 to reflect that Cboe Options and C2 are affiliated with the Exchange and that Cboe Trading may also act as the inbound router for routing orders from Cboe Options and C2 to the Exchange upon migration of Cboe Options and C2 onto the Bats technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.12(a) will remain the same. The Exchange believes that Rule 2.12 will continue to adequately manage the potential for conflicts of interest that could arise from Cboe Trading routing orders to the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] As of December 2016, the Exchange's affiliates included Cboe BYX Exchange, Inc. (formerly Bats BYX Exchange. Inc.) (''BYX''), Cboe EDGA Exchange, Inc. (formerly Bats EDGA Exchange, Inc.) (''EDGA''), and Cboe EDGX Exchange, Inc. (formerly Bats EDGX Exchange, Inc.) (''EDGX'').

[6] *See* Securities Exchange Act Release No. 79585 (December 16, 2016), 81 FR 93988 (December 22, 2016) (SR–BatsBZX–2016–68; SR–BatsBYX–2016–29; SR–BatsEDGA–2016–24; SR–BatsEDGX–2016–60).

[7] It is anticipated that the C2 migration onto the Bats technology platform will be completed on May 14, 2018, and the Cboe Options migration onto the Bats technology platform will be completed on October 7, 2019.

[8] *See* Securities Exchange Act Release No. 62901 (September 13, 2010), 75 FR 57097 (September 17, 2010) (SR–BATS–2010–024) (notice of filing and immediate effectiveness of proposed rule change to adopt BATS Exchange, Inc. (currently named Cboe BZX Exchange, Inc.) Rule 2.12).

Implementation Date

With respect to C2, the Exchange intends to implement the proposed rule change on or about May 14, 2018, which is the anticipated date upon which the migration of C2 onto the Bats technology platform will be complete. With respect to Cboe Options, the Exchange intends to implement the proposed rule change on or about October 7, 2019, which is the anticipated date upon which the migration of Cboe Options onto the Bats technology platform will be complete.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange does not propose to amend the requirements of the rule and the proposed rule change is intended only to reflect that Cboe Options and C2 are affiliated with the Exchange and that Cboe Trading may also route inbound orders from Cboe Options and C2 to the Exchange upon migration of Cboe Options and C2 onto the Bats technology platform. A consistent technology offering through the use of Cboe Trading by each of the Cboe Affiliated Exchanges will, in turn, simplify the technology implementation, changes, and maintenance by users of the Exchange that are also participants on BYX, EDGA, EDGX, Cboe Options, and C2. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the Cboe Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the Cboe Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) 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 requested that the Commission waive the 30-day operative delay so that the proposed rule change will become operative on filing. Waiver of the operative delay would allow the Exchange to implement the proposed rule change on May 14, 2018, which is same day as the anticipated date for the migration of C2 to the Bats technology platform. The Exchange stated that the proposed rule change promotes the protection of investors and the public interest because it would minimize the amount of disruption as C2 (and eventually Cboe Options) migrates to the Bats technology platform. Therefore, the 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 operative delay and designates the proposed rule change operative upon filing.[15]

At any time within 60 days of the filing of such 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 SR–CboeBZX–2018–035 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–CboeBZX–2018–035. This

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and 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. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeBZX–2018–035, and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10712 Filed 5–18–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83240; File No. SR–CboeEDGX–2018–014]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Cboe EDGX Exchange, Inc.

May 15, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2018, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-Members of the Exchange pursuant to EDGX Rules 15.1(a) and (c).

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 Exchange proposes to amend its fee schedule applicable to its equities trading platform (''EDGX Equities'') to (i) eliminate Mega Tier 2, (ii) eliminate the Step-Up Tier, (iii) modify Tape B Tier 1 and eliminate Tape B Tier 2 and (iv) increase the fee for orders that yield fee code D, effective May 1, 2018.

The Exchange first proposes to eliminate Mega Tier 2. Mega Tier 2 currently provides Members a rebate of $0.0032 per share where a Member (i) adds or routes a combined ADV[6] greater than or equal to 4,000,000 shares prior to 9:30 a.m. or after 4:00 p.m. and (ii) adds an ADV greater than or equal to 0.65% of the TCV,[7] including during both market hours and pre and post-trading hours. The Exchange no longer wishes to maintain this tier level. As such, the Exchange proposes to eliminate Mega Tier 2 and rename Mega Tier 3 accordingly.

The Exchange next proposes to eliminate the Step-Up Tier, which provides a $0.0032 per share rebate where a Member (i) adds an ADV greater than or equal to 0.40% of the TCV and (ii) has a Step-Up Add TCV from January 2017 greater than or equal to 0.10%. The Exchange no longer wishes to maintain this tier level and therefore proposes to delete it.

The Exchange also proposes to modify Tape B Tier 1. Currently, for orders that yield fee codes B and 4, the Exchange provides a rebate of $0.0020 per share for orders that add liquidity for securities at or above $1.00, and a rebate of $0.00003 per share for orders that add liquidity for securities below $1.00. Pursuant to Tape B Volume Tier 1, a Member will receive an enhanced rebate of $0.0027 where a Member adds an ADV greater than or equal to 0.02% of the TCV in Tape B Securities. The Exchange proposes to increase the ADV requirement to greater than or equal to 0.03% of the TCV in Tape B securities. The Exchange believes the proposed change to the Tape B Volume Tier 1 criteria will encourage the entry of additional orders to the Exchange. The Exchange also no longer desires to maintain Tape B Volume Tier 2 and therefore proposes to delete it.

Lastly, the Exchange proposes to increase the fee for orders yielding fee code D, which results from an order routed to the New York Stock Exchange (''NYSE'') or routed using the RDOT routing strategy. Particularly, NYSE recently implemented certain pricing changes related to Tapes B and C securities, including adopting a per tape fee of $0.00280 per share to remove liquidity from the Exchange for member

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] ADV means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis. *See* Exchange's fee schedule.

[7] TCV means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *See* Exchange's fee schedule.

organizations with an Adding ADV of at least 50,000 shares for that respective Tape.[8] Based on the changes in pricing at NYSE, the Exchange is proposing to increase its fee for orders executed at NYSE that yield fee code D from $0.00275 to $0.00280.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange.

The Exchange believes that the proposal to eliminate the Mega Tier 2, Step-Up Tier and Tape B Tier 2 is reasonable, fair, and equitable because the current tiers are not providing the desired result of incentivizing Members to increase their participation in EDGX Equities. Therefore, eliminating these tiers will have a negligible effect on order flow and market behavior. The Exchange believes the proposed changes are not unfairly discriminatory because they will apply equally to all Members.

The Exchange next notes that volume-based discounts such as those currently maintained on the Exchange have been widely adopted by exchanges and are equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value of an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. While the proposed modification to the existing Tape B Volume Tier 1 makes such tier slightly more difficult to attain, it is intended to incentivize Members to send additional volume to the Exchange in an effort to qualify or continue to qualify for the enhanced rebate made available by the tier. As such, the Exchange also believes that the proposed changes are reasonable. The Exchange notes that increased volume on the Exchange provides greater trading opportunities for all market participants.

The Exchange lastly believes the proposed increase to orders yielding fee code D is reasonable because it reflects a pass-through of the pricing increase by NYSE noted above. The Exchange further believes the proposed fee change is equitable and non-discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendments to its fee schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 thereunder.[12] 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.

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–CboeEDGX–2018–014 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–CboeEDGX–2018–014. 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–CboeEDGX–2018–014 and should be submitted on or before June 11, 2018.

[8] *See* NYSE Trader Update, NYSE—Fees for Trading Tapes B and C securities, dated April 2, 2018, *available at https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Fee_Change_BandC_April2018.pdf.*

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10707 Filed 5–18–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83238; File No. SR–ISE–2018–44]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Supplementary Material to Rule 706 To Harmonize Its Sponsored Access Rules With Those of Its Affiliates

May 15, 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 9, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material to Rule 706 to harmonize its sponsored access rules with those of its affiliates, The Nasdaq Stock Market LLC (''NQX''), Nasdaq BX, Inc. (''BX'') and Nasdaq PHLX LLC (''PHLX,'' and together with NQX and BX, ''Nasdaq Exchanges'').

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Supplementary Material to Rule 706, which contains the Exchange's sponsored access rules, to harmonize these rules with those of the Nasdaq Exchanges.[3] On March 9, 2016, the Exchange and its affiliates, ISE Gemini, LLC (now, Nasdaq GEMX, LLC) (''GEMX'') and ISE Mercury, LLC (now, Nasdaq MRX, LLC) (''MRX'' and together with ISE and GEMX, ''ISE Exchanges''), were acquired by Nasdaq, Inc. (''Acquisition'').[4] In the context of the Acquisition, the ISE Exchanges have been working to align certain of its rules and processes with those of the Nasdaq Exchanges in order to provide consistent standards across the six exchanges owned and operated by Nasdaq, Inc. (collectively, ''Affiliated Exchanges''). As part of this effort, the proposal set forth below harmonizes the Exchange's sponsored access rules with the Nasdaq Sponsored Access Rules in order to provide uniform standards and requirements for users of the Affiliated Exchanges.[5]

In particular, the Exchange proposes to (1) define the term ''Sponsored Access'' and ''Customer Agreement;'' (2) specify the requirement to comply with Rule 15c3–5 under the Act (''Market Access Rule''); (3) remove the requirements that each Sponsored Customer and each Sponsoring Member enter into certain agreements with the Exchange; and (4) make a number of related, non-substantive changes. Each change is discussed in detail as follows.

Defining Sponsored Access

A Sponsored Customer is a non-member of the Exchange, such as an institutional investor, that gains access to the Exchange[6] and trades under a Sponsoring Member's execution and clearing identity pursuant to a sponsorship arrangement between such non-member and Sponsoring Member, as set forth in Supplementary Material to Rule 706. The Exchange is proposing to define the term ''Sponsored Access'' to clarify the type of market access arrangement that is subject to this rule. Accordingly, the Exchange proposes to amend Supplementary Material .01(a) to Rule 706 to add the following definition: ''Sponsored Access shall mean an arrangement whereby a Member permits its customers to enter orders into the System that bypass the Member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'' This definition mirrors the language set forth in the Nasdaq Sponsored Access Rules,[7] and is derived from the Commission's description of Sponsored Access used in the release approving the Market Access Rule.[8] The Exchange believes that defining Sponsored Access in Supplementary Material .01(a) to Rule 706 will provide market participants with greater clarity regarding Sponsored Access and their obligations with respect to this type of access arrangement.

Defining Customer Agreement

The Exchange proposes to amend Supplementary Material .01(b)(1) to Rule 706 to define the agreement that Sponsored Customers must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Customer may trade on the Exchange, as a ''Customer Agreement.''[9]

Market Access Rule

Pursuant to Supplementary Material .01(b)(2) to Rule 706, the Sponsoring Member is responsible for the activities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* NQX Rule 4615, BX Rule 4615 and PHLX Rule 1094 (collectively, ''Nasdaq Sponsored Access Rules'').

[4] *See* Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11; SR–ISEGemini-2016–05; SR–ISEMercury–2016–10).

[5] GEMX and MRX will each file similar rule change proposals with the Commission to harmonize their sponsored access rules with the Nasdaq Sponsored Access Rules.

[6] For example, a broker-dealer may allow its customer—whether an institution such as a hedge fund, mutual fund, bank or insurance company, an individual, or another broker-dealer—to use the broker-dealer's MPID, account or other mechanism or mnemonic used to identify a market participant for the purposes of electronically accessing the Exchange.

[7] *See* NQX Rule 4615(a), BX Rule 4615(a) and PHLX Rule 1094(a).

[8] The Market Access Rule, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access. *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

[9] The Nasdaq Sponsored Access Rules also similarly define ''Customer Agreement.'' *See* NQX Rule 4615(b)(i), BX Rule 4615(b)(i) and PHLX Rule 1094(b)(i).

of the Sponsored Customer. Sponsored Customers are required to have procedures in place to comply with the Exchange's rules, and the Sponsoring Member takes responsibility for the Sponsored Customer's activity on the Exchange. Members may have multiple Sponsored Access relationships in place at a given time. The Exchange's examination program assesses compliance with the sponsored access rules set forth in Supplementary Material to Rule 706, among other rules.[10] The Exchange now proposes to specifically enumerate in Supplementary Material .01(b)(2) to Rule 706 the member's obligation to comply with the Market Access Rule, with which Members are currently required to comply in connection with market access.[11] The Exchange believes that specifying the obligation to comply with the Market Access Rule within the rule itself will reinforce that Supplementary Material to Rule 706 presupposes member compliance with the Market Access Rule.

Elimination of Certain Contract Requirements

The Exchange currently requires a Sponsored Customer Agreement between the Sponsored Customer and the Exchange,[12] and a Sponsored Customer Addendum to the member access agreement (hereinafter, ''Addendum'') that is provided to the Exchange by the Sponsoring Member.[13] At this time, the Exchange proposes to remove the existing requirements to submit the Sponsored Customer Agreement and Addendum to the Exchange in order to align its sponsored access rules with the Nasdaq Sponsored Access Rules. The Exchange will continue to require a Customer Agreement between the Sponsored Customer and Sponsoring Member pursuant to Supplementary Material .01(b)(2) to Rule 706.[14]

Today, only members may request connectivity to the Exchange by contacting Nasdaq Subscriber Services. A member may obtain separate ports for the purpose of providing Sponsored Access. If separate ports are requested by a member for the purpose of providing Sponsored Access, the member must request those ports from the Exchange and is responsible for the Sponsored Customer's activity on the Exchange.[15] In all circumstances, the Exchange only permits members to request connectivity to the market and the member is responsible for all customer orders submitted through the member's port. In addition, such connection by the member requires approval by the Exchange for the purpose of testing as well as other relevant information sharing with the Exchange by the member to obtain a port. The Exchange is therefore aware of the member responsible for each of its ports. The Exchange may also request further information about a member's particular customer relationship, including the list of all Authorized Traders who may have access to the Exchange on behalf of the Sponsored Customer, as it deems necessary.[16]

The Exchange believes that completing and submitting the Sponsored Customer Agreement and Addendum is unnecessarily burdensome in light of the current structure in place at the Exchange. The Sponsored Customer Agreement requirement was intended to ensure that the Sponsored Customer was informed of its obligation to comply with the Exchange's Certificate of Formation, By-Laws, Rules and procedures, including the requirements in Supplementary Material .01(b)(2)(iii)–(ix).[17] The agreement also provided the Exchange with contractual privity, which would no longer exist with the removal of the Sponsored Customer Agreement. The Exchange does not believe the loss of privity with the Sponsored Customer creates a concern as the Exchange has the ability to remove access to the port at any time if it determines that the activity of the Sponsored Customer warrants such removal. In addition, as discussed below, the Sponsored Customer will be informed of its obligations through the Customer Agreement that it executed with the Sponsoring Member. As noted above, the Exchange only permits its members to request connectivity to the Exchange's trading system, and members remain responsible for all trades submitted through such ports. Pursuant to Supplementary Material .01(b)(2)(vii) to Rule 706, the trading activity of a Sponsored Customer must be monitored by the Sponsoring Member for compliance with the terms of the Customer Agreement with the Sponsored Customer. Finally, Sponsoring Members continue to be obligated to comply with Supplementary Material .01(b) to Rule 706 and the Market Access Rule. As such, the Sponsoring Member is responsible for any and all actions taken by its Sponsored Customer and any person acting on behalf of or in the name of such Sponsored Customer.

The Addendum requirement was intended to notify the Exchange of the relationship between the Sponsoring Member and the Sponsored Customer, and to provide the Sponsoring Member's express acknowledgment of the Sponsoring Member's responsibility for the orders, executions and actions of its Sponsored Customer. However, as noted above, the Exchange may request additional information about a particular customer relationship as it deems necessary.[18] The Exchange will also require that its members disclose the Sponsored Customer relationship as a condition for approving any ports requested for the purpose of providing Sponsored Access.[19] Accordingly, the Exchange will continue to be notified of Sponsored Customer arrangements even with the removal of the Addendum. Furthermore, as discussed above, Sponsoring Members continue to be obligated to comply with Supplementary Material .01(b) to Rule 706 and the Market Access Rule, and are therefore responsible for any and all actions taken by its Sponsored Customer and any person acting on behalf of or in the name of such Sponsored Customer. The Exchange, through its RSA with FINRA, reviews member compliance with Supplementary Material to Rule 706, including compliance with the Market Access Rule.

Supplementary Material .01(b)(1) to Rule 706 requires that the Sponsored Customer and the Sponsoring Member maintain a Customer Agreement with the sponsorship provisions set forth in paragraph (2) to ensure compliance with

[10] The Exchange has a Regulatory Services Agreement (''RSA'') with the Financial Industry Regulatory Authority (''FINRA'') to conduct regulatory examinations, among other obligations.

[11] *See* NQX Rule 4615(b)(ii)(A), BX Rule 4615(b)(ii)(A) and PHLX Rule 1094(b)(ii)(A) for consistent provisions.

[12] *See* Supplementary Material .01(a) to Rule 706.

[13] *See* Supplementary Material .01(b)(2)(i) and (b)(3) to Rule 706.

[14] The Nasdaq Sponsored Access Rules likewise only require a Customer Agreement between the sponsored participant and sponsoring member. *See* NQX Rule 4615(b)(i), BX Rule 4615(b)(i) and PHLX Rule 1094(b)(i).

[15] In such cases, the Nasdaq Exchanges also require members to disclose the sponsored access arrangement as a condition to approving the member's port request. ISE will similarly require members requesting connectivity to ISE for the purpose of providing Sponsored Access to disclose sponsored access arrangements as a condition to approval.

[16] *See* Rule 1601.

[17] These requirements include, among others, the Sponsored Customer's obligation to maintain, keep current and provide to the Sponsoring Member a list of Authorized Traders who may obtain access to the Exchange on behalf of the Sponsored Customer. In addition, the Sponsored Customer must take reasonable security precautions to prevent unauthorized use or access to the Exchange, and is responsible for having adequate procedures and controls in place to comply with ISE's rules.

[18] *See* Rule 1601.

[19] *See* note 15 above.

Exchange's rules and obligations related to security, among other things. Additionally, Supplementary Material .01(b)(2)(iv) and (v) require that the Customer Agreement include the Sponsored Customer's obligation to maintain, keep current and provide to the Sponsoring Member a list of Authorized Traders who have been granted access to the Exchange on behalf of the Sponsored Customer, and provide such Authorized Traders with appropriate training prior to any use or access to the Exchange. In addition, pursuant to the Customer Agreement provisions required by Rule 706, Supplementary Material .01(b)(vii), the Sponsored Customer is obligated to take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange's System, or the information and data made available therein. Finally, the Customer Agreement must provide that the Sponsored Customer is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of Authorized Traders, and for the trading and other consequences thereof, including granting unauthorized access to the Exchange.[20] The contents and the requirement for a Customer Agreement are unchanged.

Clean-Up Changes

The Exchange proposes to correct two typographical errors in subsections (vii) and (ix) of Supplementary Material .01(b)(2) to Rule 706. First in subsection (vii), the Exchange proposes to correct a typo by replacing ''of'' with ''or'' in the first sentence. The proposed sentence would therefore state ''Sponsored Customer shall take reasonable security precautions to prevent unauthorized use or access to the Exchange . . .''

Second, subsection (ix) would be amended to correct a typo in the last portion of the first sentence. In particular, the phrase ''. . . Sponsored Customers access to and use of the Exchange'' should be ''. . . Sponsored Customer's access to and use of the Exchange.'' Both of these proposed changes are non-substantive clean-ups, and are intended to ensure that the rule text is as accurate and clear as possible.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Overall, the proposed rule change is intended to align the Exchange's sponsored access rules in Supplementary Material to Rule 706 with the Nasdaq Sponsored Access Rules, and is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of the Nasdaq Exchanges. Consistent rules and processes across the Affiliated Exchanges would in turn simplify the regulatory requirements for members of the Exchange that are also participants on the Nasdaq Exchanges. The Exchange believes that its proposal would provide greater harmonization among similar rules and procedures of the Affiliated Exchanges, resulting in greater uniformity and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and national market system.

Defining Sponsored Access

Adding a definition of Sponsored Access will assist market participants to understand the type of arrangements that are subject to Supplementary Material to Rule 706, and such clarity will serve to promote just and equitable principles of trade. The Exchange believes that adding the Sponsored Access definition will provide its members with additional guidance with respect to this Rule.

Defining Customer Agreement

Defining the agreement that Sponsored Customers must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Customer may trade on the Exchange, as a ''Customer Agreement'' will also serve to provide members with clarity on the agreement that the Exchange will continue to require and the obligations that are contained within the Customer Agreement. This amendment is non-substantive.

Market Access Rule

As discussed above, Exchange members will continue to be required to comply with Supplementary Material to Rule 706 and the Market Access Rule. The Exchange believes that specifically enumerating the member's responsibility to comply with the Market Access Rule within the Rule itself will provide members with additional guidance concerning the application of the Rule. This change is non-substantive as members are currently responsible for complying with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirements to submit and complete a Sponsored Customer Agreement and Addendum will remove impediments to and perfect the mechanism of a free and open market by aligning the Exchange's sponsored access rules with the Nasdaq Sponsored Access Rules, which currently do not require additional agreements for their sponsored participants other than a Customer Agreement.[23] The Exchange believes that its proposal would create equivalent sponsored access standards and requirements among the Affiliated Exchanges and also provide clarity to its members, which is beneficial to both investors and the public interest. While elimination of the Sponsored Customer Agreement requirement will also eliminate the Exchange's contractual privity with the Sponsored Customer, the Exchange notes that any potential concerns to the loss of privity are mitigated by the Exchange's ability to restrict the Sponsored Customer's access to a port at any time it is warranted by the Sponsored Customer's trading activity. As discussed above, connectivity to the Exchange must be requested by a member of the Exchange. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. In addition, Supplementary Material .01(b)(2) to Rule 706 delineates the terms of the required contractual relationship between the Sponsoring Member and the Sponsored Customer in the Customer Agreement, which remains in effect. The Exchange also believes that the Addendum is unnecessary in light of the fact that Sponsoring Members must request connectivity to the Exchange as well as enter into a Customer Agreement with the Sponsored Customer. Furthermore, as discussed above, the Exchange will

[20] *See* Rule 706, Supplementary Material .01(b)(vii).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See* NQX Rule 4615, BX Rule 4615 and PHLX Rule 1094.

require members to disclose the Sponsored Customer relationship as a condition to approving the member's port request to provide Sponsored Access. Finally, as is the case with other Exchange rules, the Exchange examines for compliance with Supplementary Material to Rule 706 and may request information about any customer relationship which concerns the Exchange pursuant to Rule 1601.

Clean-Up Changes

The Exchange believes that the proposed changes to correct the two typos in subsections (vii) and (ix) of Supplementary Material .01(b)(2) to Rule 706 will add further clarification to the Exchange's Rulebook and alleviate potential confusion as to the applicability of the Exchange's rules, which will protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because all members would be subject to the same sponsored access requirements, as discussed above. The proposed rule change is designed to provide greater harmonization among the sponsored access rules across the Affiliated Exchanges, resulting in more efficient regulatory compliance for common members, and is not intended to have any competitive effect.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and subparagraph (f)(6) of Rule 19b–4 thereunder.[25]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[26] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that waiver of the operative delay would allow the Exchange to harmonize its sponsored access rule to the rules of the Nasdaq Exchanges.[28] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change would simplify the regulatory requirements of members of the Exchange that are also participants on the Nasdaq Exchanges. Further, the Commission does not believe that the proposed rule change raises any new or novel issues. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[29]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–44 and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See supra* note 3.

[29] 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).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83242; File No. SR–C2–2018–008]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Related to Its PULSe Workstation

May 15, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2018, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees schedule related to its PULSe workstation.

The text of the proposed rule change is also available on the Exchange's website (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule. The Exchange is changing fees related to its PULSe workstation. The fees herein will be effective on May 1, 2018.

By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of the Exchange. Exchange Trading Permit Holders (''TPHs'') may also make workstations available to their customers, which may include TPHs, non-broker dealer public customers, and non-TPH broker dealers.

Financial Information eXchange (''FIX'') language-based connectivity, upon request, provides customers (both TPH and non-TPH) of TPHs that are brokers and PULSe users (''PULSe brokers'') with the ability to receive ''drop-copy'' order fill messages from their PULSe brokers. These fill messages allow customers to update positions, risk calculations, and streamline back-office functions.

The Exchange is proposing to reduce and cap the monthly fee to be assessed on TPHs who are sending drop copies to non-TPH customers via a PULSe workstation. Currently, if a customer receiving drop copies is a non-TPH, the PULSe broker (the sending TPH) who sends drop copies via PULSe to that customer is charged $400 per month. The Exchange is proposing to reduce that fee to $0.02 per contract with a cap of $400 per month per receiving non-TPH. If that PULSe broker sends drop copies via PULSe to multiple non-TPH customers, the PULSe broker will be charged the fee for each customer. For example, if a PULSe broker sends drop copies via its PULSe workstation to each of non-TPH customer A, non-TPH customer B, and non-TPH customer C, the PULSe broker (the sending TPH) will be charged a fee of $.02 per contract for drop copies it sends via PULSe to non-TPH customers A, B, and C (the receiving non-TPHs) with a cap of $1,200 ($400 per non-TPH customers A, B, and C).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that reducing the $400 per month to $0.02 per contract with a cap of $400 per month on a TPH sending drop copies from PULSe to a non-TPH customer is reasonable because the fee will continue to allow the Exchange to monitor, develop and implement upgrades, maintain, and customize PULSe to ensure a non-TPH customer receives timely and accurate drop copies while also potentially reducing the sending TPH's costs. The Exchange believes the fee is equitable and not unfairly discriminatory because the monthly fee is assessed equally to any TPH sending drop copies to its non-TPH customers. Additionally, use of the drop copy functionality by a TPH and non-TPH customer is voluntary.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed PULSe-related fees are assessed equally to TPH broker's electing to use the optional Drop Copy functionality. The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed fees relate to use of an Exchange-provided order entry system. To the extent that any proposed change makes the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange market participants.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(b)(4).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and paragraph (f) of Rule 19b–4 [7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2018–008 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–C2–2018–008. 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–C2–2018–008 and should be submitted on or before June 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–10709 Filed 5–18–18; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0340]

Resolute Capital Partners Fund IV, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Resolute Capital Partners IV, L.P., 20 Burton Hills Blvd., Suite 430, Nashville, TN 37215, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Resolute Capital Partners IV, L.P. proposes to provide loan and equity security financing to Power Design Holdings LLC, 2200 Ross Ave., Suite 4050, Dallas, TX 75201.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Resolute Capital Partners III, L.P., an Associate of Resolute Capital Partners IV, L.P., owns more than ten percent of Power Design Holdings LLC and therefore this transaction is considered *Financing an Associate.* requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

A. Joseph Shepard,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2018–10792 Filed 5–18–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 10419]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Giacometti'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Giacometti,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Solomon R. Guggenheim Museum, New York, New York, from on or about June 8, 2018, until on or about September 12, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and

Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–10777 Filed 5–18–18; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36146]

Bayway Terminal Switching Company, L.L.C.—Modified Certificate of Public Convenience and Necessity

On September 5, 2017, Bayway Terminal Switching Company, L.L.C. (BTSC),[1] a noncarrier, filed a notice for a modified certificate of public convenience and necessity under 49 CFR pt. 1150 subpart C—*Modified Certificate of Public Convenience and Necessity,* to permit BTSC to operate over a rail line owned by the state of New Jersey. The rail line is located between milepost 3.15 (East Linden Avenue) and milepost 4.56 in Union County, NJ (the Line).[2]

BTSC states that the abandonment of the Line was previously authorized by the Interstate Commerce Commission in *Staten Island Railway—Abandonment,* AB 263 (Sub-No. 3) (ICC served Dec. 5, 1991) and *Rahway Valley Railroad—Abandonment—Between Aldene & Summit in Union County, N.J.,* AB 211 (ICC served Aug. 27, 1992).

According to BTSC, it will commence contract carrier switching services for four customers located on the Line pursuant to a Railcar Switching Agreement (Agreement). BTSC states that the four customers are Phillips 66 Company (Phillips), Infineum USA L.P., Veolia North America Regeneration Services, LLC, and Solutia Inc. According to BTSC, it is seeking this modified certificate so that it can provide common carrier switching services should anyone request such service in the future. BTSC states that the Agreement has a term of five years subject to extensions by agreement of the parties. BTSC further states that Phillips is entering into an agreement with the state of New Jersey, which will give Phillips custody of the Line.[3]

According to BTSC, it will interchange with Consolidated Rail Corporation (Conrail), pursuant to an Interchange Agreement, as a contract switching carrier at the Bayway Industrial Track (Bayway I.T.); the connecting track between the Bayway I.T./Simmons Lead and Bayway Yard and Track No. 4 of Bayway Yard; or, such other location to be agreed upon by BTSC and Conrail.

The Line qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies & Instrumentalities & Political Subdivisions,* FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22.

BTSC states that no subsidy is involved and that there are no preconditions for shippers to meet to receive rail service. BTSC's notice also includes a certificate of liability insurance coverage. (*See* Notice Ex. 2.)

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service and car-hire agreement, at 425 Third Street SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 7020, Washington, DC 20001.

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: May 15, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2018–10743 Filed 5–18–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2017–0095]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 20, 2018 (83 FR 7297).

DATES: Send comments on or before June 20, 2018.

ADDRESSES: You may send comments, identified by Docket No. NHTSA–2017–0095 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for sending comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251

Instructions: All submissions received must include the agency name and docket number for this proposed collection of information. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://DocketInfo.dot.gov.*

The 60-day notice for this ICR was inadvertently filed in docket NHTSA–2017–0039. The correct docket number is NHTSA–2017–0095.

FOR FURTHER INFORMATION CONTACT: Alex Ansley, Recall Management Division (NEF–107), NHTSA, 1200 New Jersey Ave., Room W48–301, Washington, DC 20590. Telephone (202) 493–0481. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day

[1] BTSC is a subsidiary of Watco Transportation Services, L.L.C., which, in turn, is a subsidiary of Watco Holdings, Inc.

[2] The Line, along with other rail lines, was previously operated by the Morristown & Erie Railway, Inc. *See Morristown & Erie Ry.—Modified Rail Certificate,* FD 34054 (STB served July 5, 2002).

[3] On April 25, 2018, BTSC supplemented its Notice by submitting copies of the agreement between BTSC and Phillips and the agreement between Phillips and the state of New Jersey.

comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation, *See* 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how 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, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

Title of Collection: Petitions for Hearings on Notification and Remedy of Defects.

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2127–0039.

Affected Public: Businesses or others for profit.

Abstract: Sections 30118(e) and 30120(e) of Title 49 of the United States Code specify that any interested person may petition NHTSA to hold a hearing to determine whether a manufacturer of motor vehicles or motor vehicle equipment has met its obligation to notify owners, purchasers, and dealers of vehicles or equipment of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in the manufacturer's products and to remedy that defect or noncompliance.

To implement these statutory provisions, NHTSA promulgated 49 CFR part 557, Petitions for Hearings on Notification and Remedy of Defects. Part 557 establishes procedures providing for the submission and disposition of petitions for hearings on the issues of whether the manufacturer has met its obligation to notify owners, purchasers, and dealers of safety-related defects or noncompliance, or to remedy such defect or noncompliance free of charge.

Estimated annual burden: During NHTSA's last renewal of this information collection, the agency estimated it would receive one petition a year, with an estimated one hour of preparation for each petition, for a total of one burden hour per year. That estimate remains unchanged with this notice.

Number of respondents: 1.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50 and 501.8(f).

Stephen A. Ridella,

Director, Office of Defects Investigation.

[FR Doc. 2018–10805 Filed 5–18–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2010–0211]

RIN 2105–AE07

Notice of Submission of Proposed Information Collection to OMB Agency Request for Renewal of a Previously Approved Information Collection Request: Reports by Air Carriers on Incidents Involving Animals During Air Transport

AGENCY: Office of the Secretary (OST), Department of Transportation (Department or DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Department's intention to apply to the Office of Management and Budget (OMB) to renew the previously approved information collection request (ICR) OMB No. 2105–0552, ''Reports by Air Carriers on Incidents Involving Animals During Air Transport.'' The current information collection request approved by OMB expires August 31, 2018.

DATES: Comments on this notice must be received by July 20, 2018.

ADDRESSES: You may submit comments (identified by Docket No. DOT–OST–2010–0211) through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, West Building Ground Floor, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal Holidays. The telephone number is 202–366–9329.

FOR FURTHER INFORMATION CONTACT: Vinh Q. Nguyen, Senior Trial Attorney, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–9342 (Voice), 202–366–7152 (fax), or *vinh.nguyen@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

Title: Reports by Air Carriers on Incidents Involving Animals During Air Transport.

OMB Control Number: 2105–0552.

Type of Request: Renewal of currently approved Information Collection Request.

Background: The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century or ''AIR–21'' (Pub. L. 106–181), which was signed into law on April 5, 2000, includes section 710, ''Reports by Carriers on Incidents Involving Animals During Air Transport.'' This provision was codified as 49 U.S.C. 41721. The statute requires air carriers that provide scheduled passenger air transportation to submit monthly to the Secretary of Transportation a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier.

On August 11, 2003, DOT, through its Federal Aviation Administration (FAA), issued a final rule implementing section 710 of AIR–21.[1] The rule required air carriers that provide scheduled passenger air transportation to submit a report to APHIS on any incident involving the loss, injury, or death of an animal during air transportation provided by the air carrier. Due to issues regarding whether APHIS had the

[1] Reporting Directive Regarding Incidents Involving Animals During Air Transport, 68 FR 47798 (August 11, 2003).

capability to accept such information directly from the carriers, DOT made a technical change in the rule on February 14, 2005, to require air carriers to submit the required information directly to DOT's Aviation Consumer Protection Division (ACPD) rather than APHIS and to make the rule part of DOT's economic regulations.[2]

On July 3, 2014, DOT published a final rule amending the requirement that air carriers file reports with DOT on the loss, injury, or death of animals during air transport.[3] The rule (1) expanded the reporting requirement from the largest U.S. carriers (*i.e.,* U.S. carriers that account for at least 1 percent of domestic scheduled passenger revenue) to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats; (2) expanded the definition of ''animal'' from only a pet in a family household to include all cats and dogs transported by covered carriers, regardless of whether the cat or dog is transported as a pet by its owner or as part of a commercial shipment (*e.g.,* shipped by a breeder); (3) required covered carriers to file a calendar-year report in December, even if the carrier did not have any reportable incidents during the calendar year; (4) required covered carriers to provide in their December reports the total number of animals that were lost, injured, or died during air transport in the calendar year; and (5) required covered carriers to provide in their December reports the total number of animals transported in the calendar year. On August 25, 2015, OMB approved the information collection request, ''Reports by Air Carriers on Incidents Involving Animals During Air Transport,'' through August 31, 2018.

In order to reduce burden to covered carriers, the ACPD established a website and online system for filing the required reports, *http://animalreport.ost.dot.gov.* This system enables covered carriers to easily and efficiently submit their reports through the internet rather than sending the reports to the Department by mail or email.

Respondents: U.S. carriers that operate scheduled passenger service with at least one aircraft having a designed seating capacity of more than 60 seats.

Estimated Number of Respondents: 32.

Frequency: For each respondent, one information set for the month of December, plus one information set during some other months (1 to 12).

Estimated Total Burden on Respondents: (1) Monthly reports of incidents involving the loss, injury, or death of animals during air transport: 0 to 384 hours (Respondents [32] × Time to Prepare One Monthly Report [1 hour] × Frequency [0 to 12 per year]). (2) December report containing the total number of animals that were lost, injured, or died during air transport in the calendar year and the total number of animals that were transported in the calendar year: 16 hours (Respondents [32] × Time to Prepare One December Report [0.5 hour] × Frequency (1 per year)].

Public comments invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

All comments will become a matter of public record. All responses to this notice will be summarized and included in the request for OMB approval.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.27(n).

Issued in Washington, DC, on May 15, 2018, under the authority delegated at 49 CFR 1.27(n).

Blane A. Workie,

Assistant General Counsel for Aviation Enforcement and Proceedings.

[FR Doc. 2018–10763 Filed 5–18–18; 8:45 am]

BILLING CODE 4910–9X–P

[2] Reports by Air Carriers on Incidents Involving Animals During Air Transport, 70 FR 7392 (February 14, 2005).

[3] Reports by Air Carriers on Incidents Involving Animals During Air Transport, 79 FR 37938 (July 3, 2014) (codified at 14 CFR part 235).

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2018–0044]

Notice of Proposed Agency Information Collection Activities; Agency Request To Modify Existing Information Collections: Railroad Rehabilitation and Improvement Financing (RRIF) and Transportation Infrastructure Financing and Innovation Act (TIFIA) Credit Programs

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Department of Transportation (the Department) invites public comments on a request to the Office of Management and Budget (OMB) to approve modifications to two currently approved Information Collection Requests (ICRs). As part of the modifications to the ICRs, one ICR will be integrated into the other ICR. The modified and integrated ICR will be used to allow entities to apply for Railroad Rehabilitation and Improvement Financing (RRIF) and Transportation Infrastructure Financing and Innovation Act (TIFIA) credit assistance using a common set of forms, rather than having a separate set of forms for each of RRIF and TIFIA. The new, integrated forms have also been updated to reflect changes in law, streamlining of the credit programs, and efficiencies in the application process adopted by the Department. However, the general process of applying for credit assistance is not changing; applications are still accepted on a rolling basis. The ICR continues to be necessary for the Department to evaluate projects and project sponsors for credit program eligibility and creditworthiness as required by law.

DATES: We must receive your comments on or before July 20, 2018.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket No. DOT–OST–2018–0044. Interested persons are invited to submit written comments on the proposed information collection through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jenny Barket at *Jenny.Barket@dot.gov* or (202) 366–9993, or The Build America Bureau via email at *BuildAmerica@dot.gov* or (202) 366–2300.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0569.

Title: Letter of Interest and Application Forms for the Railroad Rehabilitation and Improvement Financing and Transportation Infrastructure Financing and Innovation Act Credit Programs.

Type of Review: Modification of existing information collections.

Background: The RRIF credit program has its origins in Title V of the Railroad

Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 821 *et seq.,* which authorized the Federal Railroad Administration to provide railroads certain financial assistance. This Title V financing program was replaced by the RRIF program under section 7203 of the Transportation Equity Act for the 21st Century of 1998, Public Law 105–178 (1998) (TEA 21). RRIF was subsequently amended by: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109–59 (2005) (SAFETEA–LU); the Rail Safety Improvement Act of 2008, Division A of Public Law 110–432; and the Fixing America's Surface Transportation Act (Pub. L. 114–94) (2015) (FAST Act). All applicants for RRIF credit program assistance are required to submit a completed application. 45 U.S.C. 823(a). The information collection activity request for the RRIF credit program application was most recently approved in 2015 (OMB Control Number 2130–0548). *See* 80 FR 11518 and 80 FR 27228.

The Transportation Infrastructure Finance and Innovation Act of 1998 was enacted as part of TEA 21. The TIFIA program was subsequently amended by SAFETEA–LU, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141) (2012) (MAP–21), and the FAST Act. All applicants for TIFIA credit program assistance are required to submit a completed LOI and application. 23 U.S.C. 602(a)(1)(A). The existing information collection activity request for the TIFIA credit program letter of interest and application was most recently approved in 2017 (OMB Control Number 2105–0569). *See* 82 FR 15101 and 82 FR 25045.

The National Surface Transportation and Innovative Finance Bureau (referenced hereafter as the Build America Bureau or the Bureau), established by the Secretary on July 20, 2016, in accordance with the FAST Act, was created to streamline and improve access to the Department's Federal credit programs, including RRIF and TIFIA. The Bureau was made responsible for administering the application processes for the TIFIA and RRIF credit programs. To streamline and conform these application processes, the Bureau has integrated the submission forms to create a single LOI form and a single application form that can be used by applicants of either credit program. The integrated forms substantially conform to the LOI and application forms approved under OMB Control Number 2105–0569. The Department seeks OMB approval to integrate the RRIF ICR into the TIFIA ICR. The integrated information collection activity would retain OMB Control Number 2105–0569 and the RRIF ICR would be discontinued if the integrated RRIF/TIFIA ICR is approved.

The integrated forms have also been reviewed to ensure that all information requested is necessary for the Department to properly perform its functions in administering its credit programs, updated to reflect the current statutory requirements, and reorganized to make the forms easier for applicants to use. Because some key statutory differences exist between the two programs' application processes and eligibility criteria, each of the forms clearly identifies where an item of information applies only for one of the programs and need not be answered by applicants of the other program.

The TIFIA application process is prescribed by 23 U.S.C. 602(a)(1)(A) and requires submission of an LOI. If the LOI demonstrates a reasonable likelihood of satisfying the TIFIA program's statutory eligibility requirements, including creditworthiness, the Department will invite the applicant to submit a formal credit application. Laws governing the RRIF credit program do not require that an LOI be submitted prior to a formal application. Practically, however, since 45 U.S.C. 822 requires RRIF applicants to submit an application demonstrating compliance with eligibility requirements, the Bureau encourages RRIF applicants to submit an LOI before submitting an application. The Department believes that submitting an LOI before submitting an application will significantly increase the likelihood that a formal RRIF application will be substantially complete on the first submission and reduce the time and effort of reaching financial close on a credit instrument. The Department is authorized to prescribe the form and contents of the LOI and application. 45 U.S.C. 823 and 23 U.S.C. 601(a)(6). The integrated LOI and application can be found on the Bureau's website at *https://www.transportation.gov/buildamerica.*

The LOI asks the applicant to describe, among other things, the project and its location, purpose and cost; the proposed financial plan, the status of environmental review, and certain information regarding satisfaction of other eligibility requirements under the applicable credit program. The application serves as the official request for credit and, therefore, requires the same information required of the LOI, plus detailed information about the applicant's legal and management structure, its financial health, the revenue stream pledged to repay the loan, and other information regarding satisfaction of eligibility requirements. TIFIA and RRIF credit assistance is awarded based on a project's satisfaction of TIFIA and RRIF (as applicable) eligibility requirements.

Respondents: State and local governments, transit agencies, government-sponsored authorities, special authorities, special districts, ports, private railroads, and certain other private entities

Estimated Annual Number of Respondents: Based on the number and type of interested stakeholders that have contacted the Department about the RRIF and TIFIA programs in fiscal years (FY) 2015–2018, the Department estimates that it will receive, on an annual basis, eight (8) RRIF letters of interest (LOIs), twelve (12) TIFIA LOIs, eight (8) RRIF applications, and twelve (12) TIFIA applications.

Estimated Total Annual Burden Hours: The Department estimates that it will generally take applicants not fewer than twenty (20) person-hours to assemble a single LOI (for either credit program) and not fewer than one hundred (100) person-hours to assemble a single application (for either credit program). (Person-hour estimates provided for a RRIF application assume that the applicant will initially submit an LOI, reducing the number of person-hours spent on the application.) These estimates are consistent with the approved ICR for TIFIA under OMB Control Number 2105–0569. Based on the anticipated annual total number of respondents, the total annual hour burden of this collection for RRIF LOIs and applications is 960 and for TIFIA LOIs and applications is 1,440 hours.

Frequency of Collection: This information collection will occur on a rolling basis as interested entities seek RRIF or TIFIA credit assistance.

Public Comments Invited: The Department invites interested respondents to comment on a proposed information collection activity (summarized below) with respect to: (i) Whether the information collection activities are necessary for the Department to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of the Department's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for the Department to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for the Department to minimize the burden of information collection activities on the

public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). The Department believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, the Department reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on May 7, 2018.

Habib Azarsina,

Privacy and PRA Clearance Officer, Office of the Secretary.

[FR Doc. 2018–10033 Filed 5–17–18; 11:15 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to amortization of intangible property.

DATES: Written comments should be received on or before July 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–6038, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Amortization of Intangible Property.

OMB Number: 1545–1671.

Regulation Project Number: REG–209709–94 (TD 8865).

Abstract: These regulations apply to property acquired after January 25, 2000. Regulations to implement section 197(e)(4)(D) are applicable August 11, 1993, for property acquired after August 10, 1993 (or July 26, 1991, for property acquired after July 25, 1991, if a valid retroactive election has been made under § 1.197–1).

Current Actions: There are no change being made to the regulation at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 1,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 14, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–10741 Filed 5–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8928, Return of Certain Excise Taxes Under Chapter 43 of the Internal Revenue Code and information collection requirements related to employer comparable contributions of HSAs and requirement for filing excise tax under section 4980B, 4980D, 4980E & 4980G.

DATES: Written comments should be received on or before July 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: : Requests for additional information or copies of this regulation should be directed to Sara Covington, at Internal Revenue Service, Room 6525, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202)317–6038 or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Form 8928—Return of Certain Excise Taxes Under Chapter 43 of the Internal Revenue Code & TD 9457—Employer Comparable Contributions to HSAs and requirement of Return for filing excise taxes under sections 4980B,4980D,4980E and4980G.

OMB Number: 1545–2146.

Form Number: 8928.

Regulation Project Number: REG–120476–07 (TD 9457).

Abstract: Form 8928 is used by employers, group health plans HMOs, and third party administrators to report and pay excise taxes due for failures under sections 4980B, 4980D, 4980E,and 4980G. The information results from the requirement form TD 9457 to file a return for the payment of the excise taxes under sections 4980B, 4980D, 4980E, and 4980G of the code.

Current Actions: There are no changes being made to the form or this existing regulation at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit organizations, and individuals.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 23.48 hours.

Estimated Total Annual Burden Hours: 2,348.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 14, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–10737 Filed 5–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning preparer penalties-manual signature requirement.

DATES: Written comments should be received on or before July 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–6038 or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Preparer Penalties-Manual Signature Requirement.

OMB Number: 1545–1385.

Regulation Project Numbers: TD 8549.

Abstract: This regulation provides that persons who prepare U.S. Fiduciary income tax returns for compensation may, under certain conditions, satisfy the manual signature requirements by using a facsimile signature. However, they will be required to submit to the IRS a list of the names and identifying numbers of all fiduciary returns which are being filed with a facsimile signature.

Current Actions: There are no changes being made to this existing regulation at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 1 hour, 12 min.

Estimated Total Annual Burden Hours: 24,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 14, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–10738 Filed 5–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinic Grant Program; Availability of 2019 Grant Application Package

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document contains a notice that the IRS has made available the 2019 Grant Application Package and

Guidelines (Publication 3319) for organizations interested in applying for a Low Income Taxpayer Clinic (LITC) matching grant for the 2019 grant year, which runs from January 1, 2019, through December 31, 2019. The application period runs from May 16, 2018, through June 27, 2018. Pursuant to Internal Revenue Code (IRC) section 7526, the IRS will annually award up to $6,000,000 (unless otherwise provided by specific Congressional appropriation) to qualifying organizations, subject to the limitations set forth in the statute. For fiscal year 2018, Congress appropriated a total of $12,000,000 in federal funds for LITC grants. See Public Law 115–141.

A qualifying organization may receive a matching grant of up to $100,000 per year for up to a three-year project period. Qualifying organizations that provide representation to low income taxpayers involved in a tax controversy with the IRS and educate individuals for whom English is a second language (ESL) about their rights and responsibilities under the IRC are eligible for a grant. An LITC must provide services for free or for no more than a nominal fee. Examples of qualifying organizations include (1) a clinical program at an accredited law, business, or accounting school whose students represent low income taxpayers in tax controversies with the IRS and (2) an organization exempt from tax under IRS section 501(a) whose employees and volunteers represent low income taxpayers in controversies with the IRS and may also make referrals to qualified volunteers to provide representation.

In determining whether to award a grant, the IRS will consider a variety of factors, including: (1) The number of taxpayers who will be assisted by the organization, including the number of ESL taxpayers in that geographic area; (2) the existence of other LITCs assisting the same population of low income and ESL taxpayers; (3) the quality of the program offered by the organization, including the qualifications of its administrators and qualified representatives, and its record, if any, in providing representation services to low income taxpayers; (4) the quality of the application, including the reasonableness of the proposed budget; (5) the organization's compliance with all federal tax obligations (filing and payment); (6) the organization's compliance with all federal nontax monetary obligations (filing and payment); (7) whether debarment of suspension (31 CFR part 19) applies or whether the organization is otherwise excluded from or ineligible for a federal award; and (8) alternative funding sources available to the organization, including amounts received from other grants and contributors and the endowment and resources of the institution sponsoring the organization.

DATES: The IRS is authorized to award multi-year grants not to exceed three years. For an organization not currently receiving a grant for 2018 or an organization whose multi-year grant ends in 2018, the organization must submit its application electronically at *www.grants.gov.* For an organization currently receiving a grant for 2018 that is requesting funding for the second or third year of a multi-year grant, the organization must submit the funding request electronically at *www.grantsolutions.gov.* All organizations must use the funding number of TREAS–GRANTS–052019–001, and applications and funding requests for the 2018 grant year must be filed electronically by 11:59 p.m. (Eastern Daylight Time) on June 27, 2018. The Catalog of Federal Domestic Assistance program number is 21.008. See *www.cfda.gov.*

FOR FURTHER INFORMATION CONTACT: The LITC Program Office at (202) 317–4700 (not a toll-free number) or by email at *LITCProgramOffice@irs.gov.* The LITC Program Office is located at: IRS, Taxpayer Advocate Service, LITC Grant Program Administration Office, TA: LITC, 1111 Constitution Avenue NW, Room 1034, Washington, DC 20224. Copies of the *2019 Grant Application Package and Guidelines,* IRS Publication 3319 (Rev. 5–2018), can be downloaded from the IRS internet site at *www.irs.gov/advocate* or ordered by calling the IRS Distribution Center toll-free at 1–800–829–3676.

SUPPLEMENTARY INFORMATION:

Background

Section 7526 of the IRC authorizes the IRS, subject to the availability of appropriated funds, to award qualified organizations matching grants of up to $100,000 per year for the development, expansion, or continuation of low income taxpayer clinics. A qualified organization is one that represents low income taxpayers in controversies with the IRS and informs individuals for whom English is a second language of their taxpayer rights and responsibilities, and does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred).

A clinic will be treated as representing low income taxpayers in controversies with the IRS if at least 90 percent of the taxpayers represented by the clinic have incomes that do not exceed 250 percent of the federal poverty level. In addition, the amount in controversy for the tax year to which the controversy relates generally cannot exceed the amount specified in IRC section 7463 (currently $50,000) for eligibility for special small tax case procedures in the United States Tax Court. The IRS may award grants to qualified organizations to fund one-year, two-year, or three-year project periods. Grant funds may be awarded for start-up expenditures incurred by new clinics during the grant year.

Mission Statement

Low Income Taxpayer Clinics ensure the fairness and integrity of the tax system for taxpayers who are low income or speak English as a second language by providing *pro bono* representation on their behalf in tax disputes with the IRS, by educating them about their rights and responsibilities as taxpayers, and by identifying and advocating for issues that impact low income taxpayers.

Selection Consideration

Applications that pass the eligibility screening process will undergo a Technical Evaluation and must receive a minimum score to be considered further.

Applications achieving the minimum score will be subject to a Program Office evaluation. The final funding decision is made by the National Taxpayer Advocate, unless recused. The costs of preparing and submitting an application (or a request for continued funding) are the responsibility of each applicant.

Applications and requests for continued funding may be released in response to Freedom of Information Act requests. Therefore, applicants must not include any individual taxpayer information.

Each application and request for continued funding will be given due consideration and the LITC Program Office will notify each applicant once funding decisions have been made.

Nina E. Olson,

National Taxpayer Advocate.

[FR Doc. 2018–10742 Filed 5–18–18; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on June 8, 2018 on ''U.S. Tools to Address Chinese Market Distortions.''

DATES: The hearing is scheduled for Friday, June 8, 2018 from 9:00 a.m. to 1:00 p.m.

ADDRESSES: TBD, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW, Suite 602, Washington DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the sixth public hearing the Commission will hold during its 2018 report cycle. This hearing is intended to explore U.S. policy options available to address Chinese market distortions. The first panel, ''A Coordinated Policy Response to Chinese State Capitalism,'' will address industrial policy challenges like overcapacity, price distortions, and local content requirements. The second panel, ''A Coordinated Policy Response to China's Techno-nationalism,'' will focus on challenges from China's push to develop domestic-led intellectual property, including technology transfer, IP and data theft, and restrictions on cross-border data flows. The hearing will be co-chaired by Commissioner Glenn Hubbard and Commissioner Jonathan Stivers. Any interested party may file a written statement by June 8, 2018, by mailing to the contact above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: May 16, 2018.

Kathleen Wilson,

Finance and Operations Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2018–10760 Filed 5–18–18; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0156]

Agency Information Collection Activity: Notice of Change in Student Status

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 20, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0156 in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Department Clearance Officer—OI&T (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *Cynthia.harvey.pryor@va.gov.* Please refer to ''OMB Control No. 2900–0156.''

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–3521; 38 U.S.C. 3020.

Title: Notice of Change in Student Status (VA Form 22–1999b).

OMB Control Number: 2900–0156.

Type of Review: Reinstatement with change of previously approved collection.

Abstract: The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on Tuesday, February 13, 2018, Vol. 83, No. 30, page 6311.

Affected Public: Individuals and Households.

Estimated Annual Burden: 57,009 hours.

Estimated Average Burden per Respondent: 15 minutes (electronic); 20 minutes (paper).

Frequency of Response: Once Annually.

Estimated Number of Respondents: 184,894.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–10739 Filed 5–18–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0353]

Agency Information Collection Activity: Certification of Lessons Completed

AGENCY: Veterans Benefits Administration Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 20, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0353'' in any correspondence. During the comment

period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 3032(d), 3034, 3241, 3323, 3474, 3481, 3484, 3534(b), 3680(b), 3684, 3686(a), and 10 U.S.C 16131(e), 16136(b), chapter 31, section 510 and chapter 1607; 38 CFR 21.4203(e), 21.4206, 21.5200(d) & (g), 21.7140(c)(3), 21.7159, 21.7640(a)(4), 21.7659, and 21.9720.

Title: Certification of Lessons Completed VA Form 22–6553(b)/(b–1).

OMB Control Number: 2900–0353.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses information from the current collection to determine the number of lessons completed by the student and serviced by the correspondence school and to determine the date of completion or termination of correspondence training. VA pays education benefits based on the information furnished on the form. Without this information, VA would be unable to determine the proper payment or the student's training status.

Affected Public: Individuals and households.

Estimated Annual Burden: 110 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 224.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–10740 Filed 5–18–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Minority Veterans

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Center for Minority Veterans (CMV), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Minority Veterans (''the Committee'').

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on June 1, 2018.

ADDRESSES: All nominations should be mailed to the Center for Minority Veterans, Department of Veterans Affairs, 810 Vermont Ave. NW (00M), Washington, DC 20420 or faxed to (202) 273–7092.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita J. Mullen and Mr. Dwayne Campbell, Center for Minority Veterans, Department of Veterans Affairs, 810 Vermont Ave. NW (00M), Washington, DC 20420, Telephone (202) 461–6191. A copy of the Committee charter and list of the current membership can be obtained by contacting Ms. Mullen or by accessing the website managed by CMV at *www.va.gov/centerforminorityveterans/Advisory_Committee.asp.*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include, but are not limited to:

(1) Advising the Secretary and Congress on VA's administration of benefits and provisions of healthcare, benefits, and services to minority Veterans.

(2) Providing an Annual report to congress outlining recommendations, concerns and observations on VA's delivery of services to minority Veterans.

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing benefits and outreach to minority Veterans.

(4) Making periodic site visits and holding town hall meetings with Veterans to address their concerns.

Management and support services for the Committee are provided by the Center for Minority Veterans (CMV).

*Authority:*The Committee was established in accordance with 38 U.S.C. 544 (Pub. L. 103–446, Sec 510). In accordance with 38 U.S.C. 544, the Committee advises the Secretary on the administration of VA benefits and services to minority Veterans; assesses the needs of minority Veterans with respect to such benefits; and evaluates whether VA compensation, medical and rehabilitation services, outreach, and other programs are meeting those needs. The Committee makes recommendations to the Secretary regarding such activities. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

Membership Criteria: CMV is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 12 members, in addition to ex-officio members. As required by statute, the members of the Committee are appointed by the Secretary from the general public, including:

(1) Representatives of Veterans who are minority group members;

(2) Individuals who are recognized authorities in fields pertinent to the needs of Veterans who are minority group members;

(3) Veterans who are minority group members and who have experience in a military theater of operations;

(4) Veterans who are minority group members and who do not have such experience and;

(5) Women Veterans who are minority group members recently separated from active military service.

Section 544 defines ''minority group member'' as an individual who is Asian American, Black, Hispanic, Native American (including American Indian, Alaska Native, and Native Hawaiian); or Pacific-Islander American.

In accordance with Sec. 544, the Secretary determines the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any member for additional terms of service.

Professional Qualifications: In addition to the criteria above, VA seeks—

(1) Diversity in professional and personal qualifications;

(2) Experience in military service and military deployments (please identify Branch of Service and Rank);

(3) Current work with Veterans;

(4) Committee subject matter expertise;

(5) Experience working in large and complex organizations;

Requirements for Nomination Submission: Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualification relative to the *professional qualifications* criteria listed above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males & females, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: May 16, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–10758 Filed 5–18–18; 8:45 am]

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Part II

Department of Labor

Occupational Safety and Health Administration

29 CFR Part 1926

Cranes and Derricks in Construction: Operator Qualification; Proposed Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket ID–OSHA–2007–0066]

RIN 1218–AC96

Cranes and Derricks in Construction: Operator Qualification

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: OSHA proposes to update its standard for cranes and derricks in construction by permanently extending and clarifying each employer's duty to ensure the competency of crane operators through required training, certification or licensing, and evaluation. OSHA is also proposing to remove an existing provision that requires different levels of certification based on rated lifting capacity of equipment. This proposal would clarify that while testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so. Finally, it would establish minimum requirements for determining operator competency. OSHA believes that this proposal would maintain safety and health protections for workers while reducing employers' compliance burdens.

DATES:

Comments: Submit comments to this proposed rule, including comments to the information collection requirements (described under the section titled ''Agency Determinations''), hearing requests, and other information by June 20, 2018. All submissions must bear a postmark or provide other evidence of the date submitted.

Informal public hearing: A hearing can be requested by following the procedures listed under **ADDRESSES**. If a hearing is requested, OSHA will announce the hearing on its website, *www.osha.gov,* and publish a hearing notice in the **Federal Register**.

ADDRESSES: Submit comments, hearing requests, and other material, identified by Docket No. OSHA–2007–0066, using any of the following methods:

Electronically: Submit comments and attachments, as well as hearing requests and other information, electronically at *http://www.regulations.gov,* the Federal e-Rulemaking Portal. This docket may include several **Federal Register** notices for active rulemakings; therefore it is necessary to select the correct notice, or its ID number, to submit comments for this rulemaking. After accessing the docket (OSHA–2007–0066), check the ''proposed rule'' box in the column headed ''Document Type,'' find the document posted on the date of publication of this document, and click the ''Submit a Comment'' link. Additional instructions for submitting comments are available on the *http://www.regulations.gov* homepage.

Facsimile: OSHA allows facsimile transmission of comments that are ten pages or fewer in length (including attachments). Fax these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require submission of hard copies of these documents. For additional attachments that supplement comments submitted by facsimile (*e.g.,* studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–3653, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210. These attachments must clearly identify the sender's name, the date, subject, and the docket number (OSHA–2007–0066).

Regular mail, express delivery, hand delivery, and messenger (courier) service: Submit comments and any additional material to the OSHA Docket Office, RIN No. 1218–AC86, Technical Data Center, Room N–3653, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210; telephone: (202) 693–2350, TTY number: (877) 889–5627. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, and messenger service. The Docket Office will accept deliveries (express delivery, hand delivery, messenger service) during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Information Collection Requirements: OSHA welcomes comments on the information collection requirements contained in this rule on the same basis as for any other aspect of the rule. Interested parties may also submit comments about the information collection requirements directly to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA (RIN 1218–AC96), Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503, Fax: (202) 395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov. See* Paperwork Reduction Act section of this preamble for particular areas of interest.

Instructions: All submissions must include the Agency's name, the title of the rulemaking (Cranes and Derricks in Construction: Operator Qualification), and the docket number (OSHA–2007–0066). Absent copyright protections or other restrictions, OSHA will place comments and other material, including any personal information, in the public docket without revision, and the comments and other material will be available online at *http://www.regulations.gov.* Therefore, commenters should not submit statements they do not want made available to the public, or submit comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket: To read or download comments or other material in the electronic docket, go to *http://www.regulations.gov* or to the OSHA Docket Office at the above address. Some information submitted (*e.g.,* copyrighted material) is not available publicly to read or download through this website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

General information and press inquiries: Mr. Frank Meilinger, OSHA Office of Communications; telephone: (202) 693–1999; email: *Meilinger.Francis2@dol.gov.*

Technical inquiries: Mr. Vernon Preston, Directorate of Construction; telephone: (202) 693–2020; fax: (202) 693–1689; email: *preston.vernon@dol.gov.*

Copies of this ***Federal Register*** *notice and news releases:* Electronic copies of these documents are available at OSHA's web page at *http://www.osha.gov.*

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I. Executive Summary

OSHA proposes to amend 29 CFR 1926 subpart CC to revise sections that address crane operator training, certification/licensing,[1] and competency. The purposes of these amendments are to: Require comprehensive training of operators; remove certification by *capacity* from certification requirements; clarify and permanently extend the employer duty to evaluate potential operators for their ability to safely operate equipment covered by subpart CC; and require documentation of that evaluation.

This proposed rule is based on extensive feedback received from the construction industry, which can be found in the docket, who informed OSHA that merely ensuring crane operators are certified does not verify that certified operators have sufficient crane knowledge and operating skills to safely perform crane operations at construction sites. OSHA heard testimony and collected other evidence that indicates an employer's evaluation of a crane operator's experience and competency is essential to ensuring the safe operation of cranes on construction sites. Similarly, this evidence confirmed that employers must continue to provide operators with comprehensive training, which supplements the kind of training needed to obtain certification.

OSHA's preliminary economic impact analysis determined that the most significant costs of the proposal are associated with the requirements to perform the operator competency evaluation, document the evaluations, and provide any additional training needed by operators. OSHA estimates employers impacted by this proposed rule employ approximately 117,130 crane operators. OSHA accordingly estimates the annual cost to the industry would be $1,425,133 for the performance of operator competency evaluations, $59,479 for documenting those evaluations, and $90,649 for any additional training needed for operators. OSHA's preliminary estimate of the total annual cost of compliance is $1,583,169.

OSHA also expects some cost savings from the proposed rule. In particular, OSHA estimates a large one-time cost savings of $25,560,840 from dropping the requirement that crane operators be certified by capacity because that change would eliminate the need for a very large number of operators to get an additional certification. OSHA also estimates that a small number of ongoing annual certifications due to an operator moving to a higher capacity crane would also no longer be needed, producing an additional annual cost savings of $414,172. These various elements lead, at a 3 percent discount rate over 10 years, to net annual cost savings of $1,827,513. At a discount rate of 7 percent there are annual cost savings of $2,468,595.

The Agency has preliminarily concluded that, on average, the impact of costs on employers would be low, because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with existing 29 CFR 1926.1427(k), and were previously doing so to comply with §§ 1926.550, 1926.20(b)(4), and 1926.21(b)(2). Employers who currently provide insufficient training would incur new costs to comply. Although OSHA anticipates that a few employers might incur significant new costs, the Agency has preliminarily concluded that, for purposes of the Regulatory Flexibility Act, the proposed rule would not have a significant economic impact on a substantial number of small entities.

The Agency has preliminarily determined that the proposal is technologically feasible because many employers already comply with all the provisions of the proposed rule and the proposed rule would not require any new technology. In addition, since the vast majority of employers already invest the resources necessary to comply with the provisions of the proposed standard, the Agency preliminarily concludes that the proposed standard is economically feasible.

II. Background

Explanation of record citations in this document. References in parentheses in this preamble are to exhibits or transcripts in the docket for this rulemaking. Documents from the subpart CC—Cranes and Derricks in Construction rulemaking record are available under Docket OSHA–2007–0066 on the Federal eRulemaking Portal at *http://www.regulations.gov* or in the OSHA Docket Office. The term ''ID'' refers to the column labeled ''ID'' under Docket No. OSHA–2007–0066 on *http://www.regulations.gov.* This column lists individual records in the docket. This notice will identify each of these records only by the last three digits of the record, such as ''ID–0032'' for OSHA–2007–0066–0032. Identification of records from dockets other than records in OSHA–2007–0066 will be by their full ID number. In addition, the transcript for the public hearing OSHA held on May 19, 2014, for the rulemaking that extended the certification deadline by three years, are identified by the docket under Docket No. OSHA–2007–0066–0521. To aid readers in locating citations to the transcripts, this notice refers to these citations using the abbreviation ''Tr.'' and the corresponding page numbers (*e.g.,* ID–0521, Tr. pp. 10–15).

A. Operator Competency Requirements

OSHA promulgated a new standard for cranes and derricks in construction, referred to in the Background section as the ''new cranes standard,'' on November 10, 2010 (75 FR 47905). It was based on a proposal drafted as the result of negotiated rulemaking and issued on October 9, 2008 (73 FR 59714). Under the new cranes standard, except for employees of the U.S. military and the operation of some specified equipment, employers were required to allow only certified operators to operate equipment after November 10, 2014.[2] In lieu of certification, the rule also allowed operators to operate cranes if licensed by state or local governments whose programs met certain minimum requirements.

The new cranes standard included a four-year, phased-in effective date for the certification requirements. That phase-in period was intended to provide time for existing accredited testing organizations to develop programs that complied with the requirements; for operators and employers to prepare for certification testing; and for more testing organizations to become accredited to make certifications available for the operation of the wide variety of cranes used in construction. During the phase-in period, employers were required to continue complying with two broad provisions: To ensure that crane operators were competent to operate the equipment safely and, if necessary, to train and evaluate employees who did

[1] The term ''certification/licensing'' covers each of certification options in the proposed rule (third-party certification or an audited employer certification program) as well as state or local operator licensing requirements.

[2] The term ''equipment'' was used in the cranes standard's regulatory text because the rule covers cranes, derricks and other types of equipment. When OSHA uses ''cranes'' in this preamble, it is meant to apply to all covered equipment.

not have the required knowledge or ability to operate the equipment safely (§ 1926.1427(k)(2)(i) and (ii)) (''employer duties''). These employer duties are essentially the same as those required by § 1926.20(b)(4) and § 1926.21(b)(2), which are discussed in more detail in the ''Operator Certification Requirement'' section that follows.

B. Operator Certification Requirement

In 1979, OSHA published 29 CFR 1926.550, which specified requirements for crane and derrick operation that were adopted from existing consensus standards. Among these requirements was an employer's duty to comply with manufacturer specifications and limitations (§ 1926.550(a)(1)). In addition, employers were subject to general requirements elsewhere in the OSHA construction safety standards that required employers to permit only those employees ''qualified by training or experience'' to operate equipment (§ 1926.20(b)(4)) and to ''instruct each employee in the recognition and avoidance of unsafe conditions'' (§ 1926.21(b)(2)). However, crane incidents continued to be a significant cause of injuries and fatalities in the construction industry over the next few decades. In response, industry stakeholders called on OSHA to update its existing construction crane standard, including addressing advances in equipment technology and industry-recognized work practices.

Between 1998 and 2003, OSHA's Advisory Committee for Construction Safety and Health (ACCSH) tasked a workgroup with studying crane issues and ultimately recommended that OSHA revise the construction crane standard through negotiated rulemaking. The ACCSH workgroup reviewed the requirements of the most recent American Society of Mechanical Engineers (ASME)/American National Standard Institute (ANSI) B30 series standards applicable to various types of cranes and recommended that OSHA include work practices and protections from the ASME/ANSI B30 series standards in the new crane standard to the extent possible. The workgroup's recommendations included a request that OSHA require training and qualification provisions specific to crane operators, such as those of the ANSI B30 series, to supplant and augment the general provisions under §§ 1926.21(b)(2) and 1926.20(b)(4) (see ACCSH transcript Docket ID OSHA–ACCSH2002–2–2006–0194; pp. 129–135).

In 2003, OSHA commenced rulemaking by establishing a federal advisory committee, the *Cranes and Derricks Negotiated Rulemaking Advisory Committee* (C–DAC), to develop a proposal through consensus (see OSHA–S030–2006–0663–0639). C–DAC met eleven times between July 30, 2003, and July 9, 2004, and produced a consensus document that OSHA proposed for comment. Like the ACCSH workgroup, C–DAC acknowledged that the qualification and training requirements of §§ 1926.20(b)(4) and1926.21(b)(2) were ineffective and it proposed that OSHA require written and practical testing of crane operators (73 FR 59810). C–DAC also concluded that significant advances in crane/derrick safety would not be achieved without operator testing verified by accredited, third-party testing. Therefore, per C–DAC's recommendation, OSHA's proposal included a requirement for operator certification by ''type and capacity'' of the equipment in lieu of the previous general requirement that employers ensure their operators were competent to operate the machinery. However, OSHA proposed to retain the general employer duty during a four-year phase-in period for the operator certification (see 2008 proposal at § 1926.1427(k)).

On October 12, 2006, ACCSH supported the C–DAC consensus document and recommended that OSHA use it as the basis of a proposed rule (see Docket ID OSHA–ACCSH2006–1–2006–0198–003).

On October 17, 2006, the Small Business Advocacy Review Panel (SBAR) submitted its final report on OSHA's draft proposal (OSHA–S030A–2006–0664–0019). The SBAR recommendations included a suggestion that OSHA solicit comment on whether ''equipment capacity and type'' needed clarification, which OSHA did (see 73 FR 59725). Regarding operator training, many Small Entity Representatives (SERs) thought the C–DAC's training requirements were too broad and should be focused on the equipment the operator will use and the operations to be performed. Two SERs recommended OSHA's powered industrial truck standard as a model for crane operator training requirements.

OSHA published its proposal on October 9, 2008 (73 FR 59714) and received over 350 public comments. The comments discussed a wide range of topics addressed by the crane standard. In response to requests from several public commenters, OSHA conducted a public hearing in March 2009. None of the commenters or hearing participants asked OSHA to remove the requirement that operators be certified by equipment capacity in addition to type. There were a few stakeholders who expressed some concern about the proposal to phase-out the employer duty and replace it with the requirement for employers to ensure operator competence through third-party testing (see Docket IDs OSHA–2007–0066–0341—March 19, 2009, page 41 and OSHA–2007–0066–0445). However, most stakeholders overwhelmingly supported the certification requirements in the rule as proposed.

On November 8, 2010, the final rule for cranes and derricks in construction became effective, and it includes four ''options'' for crane operator certification. Unless excluded from the requirements of 29 CFR 1926.1427, all operators must obtain at least one of the following: A state or local license to operate cranes within a state or local jurisdiction with acceptable requirements; a certification issued by an accredited, third-party testing organization that meets OSHA certification requirements; a qualification issued under an audited employer program that meets OSHA's certification requirements; or a qualification issued by the U.S. Military (see 29 CFR 1926.1427(b) through (e)).

C. Certification by Crane Rated Lifting Capacity

The final rule for cranes and derricks in construction required operators to become certified and permitted four options for doing so, one of which was certification by a third-party organization. A third-party certification could be portable (a new employer could rely on it), but in relying upon a third-party certification alone as confirmation of an operator's knowledge and operating skills, all employers must know to what kind of equipment the certification applies when making determinations about which equipment an operator can operate at the worksite. Therefore, C–DAC proposed the requirement, which was included in the final rule, that third-party certification must indicate the equipment types and the rated capacities that an individual is certified to operate. The other certification options, which are not portable, do not require certification by capacity.

To address the concerns of testing organizations that were not specifying the rated lifting capacities on certifications they issued, OSHA added subparagraph § 1926.1427(b)(2) to clarify that an employer could comply with the capacity requirement if the certification stated the type and rated lifting capacity of the crane in which the operator was tested. For purposes of complying with the new crane standard, the operator would be ''deemed

qualified'' to operate cranes of the same type, that have equal or lower rated lifting capacity of the crane in which they were tested.

D. Post-Rulemaking Concerns

In OSHA outreach sessions following the publication of the final rule, two accredited testing organizations that did not offer certifications by capacity questioned the need for specifying rated lifting capacities of equipment on their certifications to comply with the new crane standard. They expressed that meeting the capacity requirement would require significant changes from their existing certification practices without resulting in any real safety benefit. They asserted that employers will still take steps to ensure that certified operators are capable of safely operating the cranes at their worksites, regardless of the rated lifting capacities of those cranes. Thus, these testing organizations expressed the view that the certification by capacity requirement is unnecessary.

Those two testing organizations and many other stakeholders also expressed surprise and concern that on November 10, 2014, when OSHA's operator certification requirements were to take effect, the temporary requirements of § 1926.1427(k)(2)—the employer duty to ensure that operators are competent—would no longer be in effect.

U.S. Small Business Administration (SBA) Roundtable

SBA's Office of Advocacy held a Small Business Labor Safety (OSHA/MSHA) Roundtable discussion about the type and capacity issues of OSHA's crane standard on November 16, 2012. At this meeting, major stakeholders, including a labor union, construction trade associations, crane manufacturers, and safety professionals, warned of the negative impact on the regulated community that would occur if OSHA did not continue to require employers to ensure the competency of crane operators, as well as recognize certifications acquired by operators from testing organizations that do not issue certifications by rated lifting capacity. Though they had not made such comments in the rulemaking, industry representatives, who were still in support of requiring operator certification, likened operator certification to a learner's permit to drive a car, suggesting that passage of the certification test meant an individual could operate a crane, but was not necessarily competent to perform the specific tasks required by an employer. They cautioned that an employer should weigh factors in addition to whether an employee has an operator certification before allowing an employee to operate a crane.

November 29, 2012, ACCSH Meeting and Subsequent Actions

At a November 29, 2012, ACCSH meeting, a representative from one of the organizations not providing certifications by capacity said that his organization had issued most of the operator certifications acquired by operators in construction (hundreds of thousands) and warned OSHA of an imminent disruption of construction projects should OSHA consider that organization's certifications to be noncompliant (OSHA–2012–0011–0087). In addition, individual employers wished to ensure that their operators' certifications would be recognized as valid by OSHA as they approached the November 10, 2014, effective date for certification/qualification requirements. In response, OSHA engaged in detailed discussions with a variety of stakeholders about their experience using certifications and the relevance of equipment rated lifting capacities to operator competency, safety, and certification testing.

OSHA also continued to engage in conversations with the four accredited testing organizations and two industry-recognized accrediting agencies to assist them in their efforts to meet the criteria specified by the new crane standard. OSHA clarified that these organizations need only specify the rated lifting capacity of the crane in which an operator was tested to meet OSHA certification requirements. The rated lifting capacity on the certification would specify the maximum rated capacity for which the operator was certified and, in combination with the rule, allow operators certified at one capacity to also operate cranes with lower capacities. Nevertheless, construction employers contacted OSHA to express frustration about receiving conflicting information from various outside groups about whether existing certifications would meet the new crane standard's requirements.

Stakeholder Meetings (April 2013)

In response to mounting frustrations of many in the construction industry, OSHA conducted three stakeholder meetings on April 2–3, 2013, to gather additional information about the issues of operator qualification and the ''type and capacity'' requirement for certification, in particular. Participants included representatives of construction contractors, labor unions, crane manufacturers, crane rental companies, accredited testing organizations, one of the accrediting bodies, insurance companies, crane operator trainers, and military employers. Detailed notes are available in the docket for this rulemaking (see ID–0539). The two testing organizations that did not certify by capacity and some stakeholders in the crane industry again questioned the purpose of C–DAC's recommendation requiring different levels of certification be made available by rated lifting capacity and requested that OSHA remove the requirement.

In addition, various parties informed OSHA that, in their opinion, the operator certification option would not adequately ensure that crane operators could safely operate their equipment to perform work at a construction site. They stated that, for an employer to ensure operator competence, additional training, experience, and evaluation would be needed that goes well beyond the level of training and experience needed to obtain a certification. Most of the meeting participants agreed that an operator's certification by an accredited testing organization does not mean that the operator is competent or has enough experience to operate a crane to do construction work.

OSHA heard from many stakeholders that the employer should play a direct role in ensuring that their operators are competent because a standardized test cannot replicate all of the conditions that operators will face on the jobsite. They indicated that the employer is typically in a better position than a certifying organization to ensure that an operator has the skills, knowledge, and judgment required for a particular assignment on a particular crane. Again, many stakeholders likened operator certification to a learner's permit to drive a car. They cautioned that certification should be one of several factors to be weighed by an employer before allowing an employee to operate a crane. Most participants said that the operator's employer should always be made responsible for ensuring that an operator is competent to safely operate a particular crane to do construction work. Others indicated that employers will confirm operator competence regardless of OSHA requirements because the risk is too great and other influences like contracts and insurance premiums drive them to do so. Overall though, all stakeholders reiterated that operator certification is beneficial in establishing a minimum threshold of operator knowledge and familiarity with very basic crane operation.

May 24, 2013, ACCSH Meeting

ACCSH met on May 24, 2013 (OSHA–2013–0006–0025). OSHA presented the issues surrounding operator competency

and certification to the committee, and the committee heard comments from stakeholders and the public. At this meeting, representatives from two accredited testing organizations provided conflicting public comments regarding the capacity-certification requirement. One of the two testing organizations that does not certify by capacity again warned of the potential impact on the industry should OSHA enforce the crane certification requirements as published in the final rule. On the other hand, a testing organization that offers certification by capacity noted that certifications by type and capacity were already available to employers and operators, confirming that it is feasible to meet the capacity requirement. Other public stakeholders expressed concerns about the potential impact on crane safety in construction should OSHA not enforce the crane certification requirements when scheduled to come into effect on November 10, 2014, but asked that OSHA quickly resolve the ''type and capacity'' issue.

ACCSH considered a proposal that OSHA suspend the certification requirements of the crane standard indefinitely until a new rule could be proposed. One ACCSH member representing a major trade association explained that many employers were not sure whether it was wise to invest in the certification of their operators to meet OSHA requirements that may change as result of the pending rulemaking (see OSHA–2013–0006–0025, p. 16). A suspension of the requirements, it was argued, would end confusion among employers about what certification requirements had to be met by a new effective date. The proposal also suggested that OSHA remove the certification/qualification requirements altogether. Until OSHA adopted a revised certification requirement, however, the proposal would require employers to train, evaluate, and ensure the operating competency of their operators in accordance with the transitional requirements in current § 1926.1427(k). Following the ACCSH meeting, OSHA announced that it would initiate a rulemaking to explore extending the certification deadline and the ''phase-out'' of the employer duty to ensure operator competency and the deadline for operator certification (see ID–0671 or *https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=24090*).

E. Extending the Effective Dates for the Employer Duty and Certification

As noted above, OSHA received significant stakeholder feedback between 2010 and 2013 indicating that employers should not be able to rely solely on certification as the means of ensuring operator competency, primarily because the certification programs only examine a basic level of general crane operation knowledge and skills without assessing an operator's ability to operate the equipment they will actually use or the various types of operations that they will need to perform on a particular jobsite. In response, OSHA completed a follow-up rulemaking to extend the deadline for operator certification by three years until November 10, 2017, and also to extend for the same time period the existing employer duties (see 79 FR 57785 (September 26, 2014)). OSHA subsequently extended both the deadline and the employer duties by a further year to November 10, 2018 (see 82 FR 51986 (November 9, 2017)). The main reason for these extensions was to provide OSHA with additional time to determine whether it would be necessary to undergo additional rulemaking regarding crane operator competency requirements. This rulemaking reflects OSHA's decision to do so.

F. Discussions With the Construction Industry Stakeholders

Discussions With Companies, Unions, and Organizations Who Train, Assess, and/or Contract Crane Operators

In order to gather factual information, OSHA conducted more than 40 site visits, conference calls, and meetings with stakeholders between June 6, 2013 to March 27, 2015, regarding their experiences with training, evaluating, and ensuring the competency of crane operators. Among these stakeholders were:

- 3 crane rental companies [1 large (more than 100 cranes), 1 medium (more than 20 cranes), 1 small (less than 20 cranes)]
- 10 construction companies that own/operate cranes [homebuilders, tank builders, propane delivery, steel erector]
- 3 large construction/operator training companies
- 5 crane manufacturers
- 3 construction labor unions
- 2 safety consultants/trainers
- 4 state agencies
- British Columbia's qualification program
- 1 sole proprietor/owner operator homebuilding company
- 3 crane insurers
- certification testing bodies and accrediting entities

During discussions with stakeholders, OSHA personnel took notes that were consolidated into draft reports, which were provided to the employer or organization for their corrections or comment before the reports were finalized. Twenty-eight of the discussions were drafted into written reports. The other conversations were not documented because they were either informal or the organization's representatives did not want their comments to be cited in the rulemaking record other than being referenced anecdotally. The twenty-eight reports, as well as a detailed summary of the reports, are in the docket for this rulemaking (ID–0673). Overall, the stakeholders described their business models for bringing cranes to construction sites, operator competency programs, methods for ensuring that cranes brought to the worksite are safely run by competent operators, and views on the use of operator certification in their operator competency programs.

During conversations with stakeholders, OSHA confirmed that most industry representatives did not understand that the crane standard requires employers only to ensure that their operators are certified and does not require further evaluation of a certified operator's competency. Several industry representatives said that regardless of what OSHA's crane standard requires, construction and insurance industry influences would prevent many employers of crane operators from relying solely on certification to verify the competence of their crane operators. Furthermore, all of the company representatives stated that they would not let an operator run any of their cranes based solely on his/her possession of an operator's certification. And although most general contractors require their subcontractors to verify that operators are certified, they intervene when there are indications that the actions of a crane operator could compromise the safety of a worksite. OSHA confirmed from these discussions that, regardless of whether an operator has a certification, all of the employers contacted evaluate their operators to ensure competency.

Most employers stated that they value third-party certification, but do not treat it as sufficient, by itself, to establish competency. Many employers expect operators to get certified early in their competency programs as a gauge for confirming whether an operator has the skills and abilities to obtain and use knowledge that is essential to safely operate cranes. One company explained that it uses certification as more of an administrative tool and only sends employees who have been trained and demonstrate, through closely

monitoring on job performance, the knowledge and ability to operate a crane to earn a third-party certification. Most stakeholders viewed certification only as a verification of an operator's basic operating skills and crane knowledge such as:

- Reading load charts,
- recognizing basic crane hazards,
- inspecting the equipment,
- knowledge of applicable regulations, and
- familiarity with basic crane functions to control the boom and load line.

In addition, insurers explained they award reduced rates to employers whose operator competency programs include operator certifications.

In sum, many in the industry have concluded that the degree of training and operating experience needed to successfully pass certification testing may help to increase the baseline crane safety on construction sites. They often referenced their successes in states or localities that require similar certifications. But all stakeholders said it is essential that the operator's employer determine whether the operator is competent to safely operate a crane for a particular construction activity.

While operator competency programs vary based on business model, equipment used, and work performed, there are strong similarities in the programs identified by the stakeholders as effective. Typical operator competency programs for operators-in-training (employees who have not been certified/licensed and evaluated to operate assigned equipment) begin with classroom training and dialogue to gauge what additional training and experience is needed. At some point, the operator-in-training demonstrates that he or she is ready to begin training-related operation of the equipment, which may eventually include, for example, practice in the cab at storage yards or in open areas at job sites where equipment is already set up. For more experienced operators-in-training, the types of knowledge and operations for which they are asked to demonstrate proficiency typically include doing crane-related inspections, reading load charts, calculating loads, and smoothly operating the crane to handle loads. Typically, novice operators-in-training start out on smaller cranes/shorter boom lengths and their assigned practice/work eventually includes the performance of simple, low-priority jobs and lifts where they have plenty of time to practice and ask questions of the trainer or more experienced operators as needed.

Most stakeholders explained that their evaluation of each operator is ongoing from the time they begin checking the operator-in-training's credentials and references until they confirm the operator's experience by observing them operate construction cranes. The evaluation is also based on the often daily informal evaluations of an operator's performance by the employer and other people that work around a crane operated by the operator-in-training. Several stakeholders explained that operator competency programs are often supplemented by the operator's completion of union apprenticeships (about one-half of the employers who operated cranes described that they employ union operators).

A few employers explained how they verified operator competency based on their prior experiences with the operator or references from organizations for which the operator has previously completed crane work. Every employer with whom OSHA spoke stated that the employer's role in ensuring the competency of crane operators should be allowed to continue.

Through these conversations, OSHA also gained a better understanding of the many ways in which cranes and operators are brought to construction work sites. Cranes may be owned or leased; operators may be long-term employees, hired from a crane rental company, or hired out of a labor organization's hiring hall for a few days. To minimize the cost of crane use, construction employers may rent a crane with an operator provided by the rental company, rent only the equipment because the employer already has an operator on staff, or hire a short-term employee or a contractor separately to operate the crane.

G. Consulting ACCSH—Draft Proposal for Crane Operator Requirements

OSHA presented draft revisions to the Cranes and Derricks in Construction standard to the Advisory Committee for Construction Safety and Health (ACCSH) at a special meeting conducted March 31 and April 1, 2015, in Washington, DC. The draft revisions included proposals to remove the capacity requirements for operator certification and to retain permanently an employer duty to ensure operator competency. ACCSH heard public comment on the draft proposed rule at the meeting before it considered any recommendations (OSHA–2015–0002–0036).

OSHA's draft included substantive requirements that employers would be required to follow to ensure operator competency. Operators would not have been permitted to operate a crane independently until the employer qualified them as competent. It also re-organized the provisions of § 1926.1427 to clarify its requirements by re-ordering and re-grouping a number of the certification/licensing requirements. The draft also included new provisions designed to eliminate employee exposures to the hazards presented by cranes operated by unqualified crane operators on multi-employer worksites.

Several ACCSH members and some public commenters expressed strong concerns about OSHA making any changes to the crane standard beyond those necessary to extend permanently the employer duty to determine operator competency and to eliminate the requirement that certifications be by capacity. Many of these ACCSH members and public commenters were concerned that additional provisions would slow down the process, and that the draft documentation provisions for employer evaluations of operators were too extensive and restrictive. After considering the public comments, ACCSH expressed confidence that OSHA would address those concerns before proposing a rule. In addition, ACCSH made the following recommendations that OSHA:

- Move forward with certification by the means in the existing standard and pursue employer qualification of crane operators.
- Clarify the requirement for certification so that certification can be by type, or by type and capacity.
- Reconsider the language in the proposed text that appeared to require the employer to observe the operator operate the crane in each and every configuration to determine whether the operator was competent.
- Use the text submitted by William Smith (Exhibit 12) as a substitute for the draft language on evaluation in the proposed text.[3]
- Delete the annual re-evaluation provision in the proposed rule, and instead consider employer re-evaluations that coincide with the re-certification period.
- Consider adding a provision that if the operator operates the equipment in

[3] William Smith, commenting as a private citizen, presented revisions to 29 CFR 1926.1427(a) by the Coalition for Crane Operator Safety (OSHA–2015–0002–0051). The document recommended revising § 1926.1427(a) by adding provisions that an operator must meet OSHA's qualified person standard and mandating training if an operator cannot safely operate the equipment. In 1427(b), he recommended removing the language that an operator will be deemed qualified if he or she is certified. Throughout § 1926.1427, he recommended removing references to capacity.

an unsafe manner, the operator must be re-evaluated by the employer.

H. National Consensus Standards

In adopting a standard, the Occupational Safety and Health (OSH) Act requires OSHA to consider national consensus standards, and where the agency decides to depart from the requirements of a national consensus standard, it must explain why the departure better effectuates the purposes of the Act. OSH Act 6(b)(8). As OSHA explained when adopting the updated crane rule in 2010, the ASME B30 Standard is a series of voluntary consensus standards that apply to most of the types of equipment, including cranes and derricks, covered by subpart CC as a whole (75 FR 48129–48130). The B30 standards each have chapters that address the operation of the equipment, which typically include a section on crane operator qualification and crane operator responsibilities. OSHA considered these provisions in drafting this proposed rule. Similarly, OSHA considered the general requirements of ANSI/American Society of Safety Engineers (ASSE) Z490.1, which generally addresses the requirements of occupational safety and health training.

This proposal takes many of the underlying concepts regarding operator qualification that are consistent across the B30 standards and ANSI/ASSE Z490.1, and it places them in one standard. This move will allow employers and crane operators to look to one place for OSHA requirements for operator competence and safety, rather than throughout fourteen relevant B30 standards. The proposal rewrites the standards as enforceable employer duties, as the OSH Act requires, rather than as employee responsibilities or non-mandatory suggestions. The proposal also expands on operator training requirements, which are not discussed at length in the B30 standards and ANSI/ASSE Z490, and third-party certification/license requirements, which are not required by the B30 standards or ANSI/ASSE Z490.

OSHA believes this proposal will better effectuate the purposes of the OSH Act than any applicable national consensus standard because it will retain certification, training, and operator qualification requirements in a manner that OSHA can enforce under the Act and consolidate all crane operator qualification requirements for ease of reference. OSHA requests comment on whether this proposal will better effectuate the purposes of the OSH Act than any applicable national consensus standard.

I. The Need for a Rule

Based on the information collected from stakeholders and the recommendations of ACCSH, OSHA proposes to amend 29 CFR 1926 subpart CC by revising sections that address crane operator training, certification/licensing, and competency. The purposes of the amendments are to clarify training requirements for operators; to remove certification-by-capacity from certification requirements; to clarify and permanently extend an employer's duty to evaluate potential operators for their ability to safely operate assigned equipment covered by subpart CC; and to require that employers document the evaluation. Because these revisions required some re-working of the crane standard, OSHA also took the opportunity to reorganize and clarify the operator certification requirements in § 1926.1427.

Employer's Duty To Evaluate Its Operators

OSHA is proposing to revise the crane rule to add a permanent employer evaluation duty based primarily on the extensive feedback received from the construction industry, which warned that certification does not establish that operators have sufficient crane knowledge and operating skills to safely perform crane operations at construction sites in all circumstances going forward. As previously explained in more detail in the background section, industry representatives stated that to ensure crane safety on construction sites, it is necessary for employers to continue to evaluate the operating competency of potential operators and provide training beyond that which is merely sufficient for those individuals to obtain certifications.

The key difference between this proposal and the existing standard is that the proposal would permanently maintain the employer's duty to evaluate its operators, and provide greater specificity as to what that duty entails in order to provide a clear and enforceable standard. Under the existing standard, operator certification becomes *de facto* qualification once the employer duty to ensure operator competence (§ 1926.1427(k)(2)(i)) ends in November 2018. There are no other requirements for operator safety qualifications beyond certification after that date. Under the proposed rule, the employer's evaluation is established as a critical step to ensure safe equipment operations on construction work sites. While certification (or licensing in states or localities with acceptable licensing schemes) and training may occur under different, prior employers, the proposal would require that every employer evaluate an employee first as an operator-in-training before permitting him or her to operate equipment without oversight. The process of the evaluation is performance-oriented and discussed in more detail in the explanation for proposed paragraph 1427(f).

An employer's evaluation would assess different operator skills than the existing certification tests. IUOE has pointed to a number of activities that require specific skills that are not evaluated during the certification practical exam: Inspecting the equipment; assessing unstable loads; hoisting loads of irregular size; operation from a barge; personnel hoisting; rigging the load; leveling the crane; hoisting in tight spaces where there is greater opportunity for damaging parts of the crane other than the load line; making judgments about wind speed and other environmental factors that can impact the performance of the equipment; performing multiple crane lifts; traveling with or without a load; operating near power lines; hoisting light loads; and hoisting blind picks where the operator cannot see the load (Docket ID 0527, p. 3). IUOE has also noted that different skills are required to operate equipment with different attachments and identified in particular the unique skills required to operate with clam bucket or drag line attachments (Id.). By way of contrast, the IUOE stated, the operator certification practical test covers only basic operation functions (hoisting and lowering a load and guiding it through a course), and ''does not test on the breadth of activities that are involved in the operation of cranes'' (Id.). Without the proposed employer duty to evaluate operators, an employer could permit a certified operator to operate tower cranes and other large equipment in any configuration with any number of attachments without determining if the operator possesses the requisite knowledge and skills necessary to address the issues identified by IUOE and others.

Some employers describe certification as a ''learner's permit'' (Stakeholder Notes, Reports #15, 26 of ID–0673), and a number of employers with whom OSHA spoke stated that they would not allow a certified operator to use their equipment without first also evaluating the operator to verify competence (Reports #1, 6, 18, 20, 22 of ID–0673). A training company for crane operators stated that ''only a fool'' would rely on certification alone as an assessment of

an operator's ability to safely operate a crane at the worksite (Report 20 of ID–0673). Boh Bros. Construction Co., commented during the 2014 rulemaking that ''a certification is only an indication of basic skills. . . . Certification is good, but does not equal qualification.'' [ID–0464]. Another training company representative stated that operators with very little experience can acquire a sufficient basis of knowledge of the crane to pass a certification exam without being truly qualified to operate independently and safely on a construction work site (Report #21 of ID–0673). Two stakeholders expressed concern that relying solely on certification could be dangerous because it would create a false sense of qualification, leading some contractors to be less vigilant in evaluating the competence of operators to safely operate equipment for all of their tasks (Reports #9, 11 of ID–0673).

OSHA heard from many stakeholders that the employer should play a direct role in ensuring that their operators are competent (Stakeholder Notes, Reports #1, 2, 3, 4, 6, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 25, 26 of ID–0673). Because a standardized test cannot replicate all of the conditions that operators will face on the jobsite, the employer is typically in a better position than a certifying organization to fully evaluate an operator to ensure that he or she has the skills, knowledge, and judgment required for a particular assignment on a particular crane.

Many stakeholders indicated that in their experience operator competency needed to be crane-specific (Reports #1, 2, 3, 4, 6, 16, 19, 21 of ID–0673). Some of the stakeholders raised concerns about the importance of these different crane characteristics in discussing whether OSHA should require certification to be by type and capacity or just by type. For example, one employer told OSHA that certification could be by type alone, provided the employer was responsible for evaluating operator competency on assigned equipment (Report #1 of ID–0673). A crane operator training company that OSHA interviewed noted that no one certification test could ever capture all of the types, configurations, and capacities of cranes and the activities they may be used to perform at the jobsite. Therefore, it is important that the employer typically verify the operator's skill level through an experienced assessor (Report #20 of ID–0673).

An extensive analysis of crane accidents published by HAAG Engineering in 2014 concluded that crane incidents are more likely to be reduced if a company ensures that an operator possess equipment-specific skills and knowledge in addition to certification:

> The certification process ensures that an operator has demonstrated a core knowledge set of the principles of cranes and crane operations, OSHA regulations, and ASME standards requirements . . . has successfully demonstrated both knowledge and the physical skill set to operate a type of crane. . . .
>
> Comparing responsibility failure trends between crane types gives strong evidence that crane model-specific training is an overwhelmingly good idea. . . . In order for the industry to theoretically provide a quality certification for each model crane, the process would take decades just to develop certifications for existing model cranes, and with new models coming out every year, that development process would also be never-ending. Each time a new model crane was released, its use would be prohibited until a qualified certification process was developed if model-specific certification was required. Model specific qualification is an issue that cannot and should not be done by the certification process, but should be done through training and examination by the individual company and corresponding operator in addition to earning type-specific certifications which ensure the knowledge and skill sets discussed above.
>
> Understanding of crane principles, general crane characteristics, individual responsibilities, and national standard guidelines is the basis for certification; however, an operator's familiarity with the particular unit is invaluable in the goal to reduce operator associated incidents.[4]

The proposed evaluation requirement is a mechanism to help ensure that operators possess the skill to account for the variations within even a single type of crane; without the evaluation requirement there would be no distinction between the competency required to operate the smallest, simplest mobile crane and the largest, most complex mobile crane. It is our intent with this proposal to avoid a repeat of a tragedy like the *Deep South* collapse, in which an operator was assigned to a crane of a type for which he was certified, but the controls and operations were substantially different from those with which he was familiar (see *Deep S. Crane & Rigging Co.,* 23 BNA OSHC 2099 (No. 09–0240, 2012), *aff'd Deep S. Crane & Rigging Co.* v. *Harris,* 535 F. App'x 386, 390 (5th Cir. 2013)).

Most concerns expressed about the evaluation requirement focused on the specifics of the requirement, not the proposition that an employer should have a duty to ensure operator competency. Indeed, only one employer stated that it does not believe a formal evaluation requirement should be part of the rule, expressing concern that it might be something compliance officers cite when there are not obvious violations, and even that employer acknowledged that the employer's role in ensuring operator competency is important. (Interview #15). But unless OSHA includes the evaluation duty in the regulatory text, employers would have no enforceable duty to conduct any assessment of their operators. Other employers questioned the practicality of a formal evaluation requirement, but OSHA believes that requirement to be necessary for effective enforcement of an employer's duty to conduct any assessment of their operators. Finally, one employer told OSHA that a formal rating system or checklist for evaluating a new operator's competency would be impractical (Report #1 of ID–0673), while another employer told OSHA that one cannot write a procedure to qualify someone because it is all knowledge and experience (Report #6 of ID–0673).

OSHA appreciates the concerns that inflexible procedural requirements would cause unnecessary interference with existing work practices. For this reason, as discussed more fully in the preamble for paragraph 1427(f) of the proposed rule, OSHA has addressed these concerns by carefully tailoring its proposed evaluation requirements to provide significant flexibility for the employers. But it is also important to note that OSHA is not proposing to create a totally new duty. All employers were required to assess their operators prior to the 2010 rulemaking, continue to have such a duty under existing § 1926.1427(k), and OSHA is not aware of any significant difficulties complying with those requirements. This rulemaking would simply clarify what that evaluation involves, and would make the duty permanent.

Generally, stakeholders supported making permanent an employer's duty to verify operator competency. During its testimony in support of retaining an employer duty to assess operators, the IUOE stated that removal of that duty would endanger operators and workers in the vicinity of cranes, ''[c]rane operators would be in a far worse position than they were before issuance of the final rule in August 2010.'' (ID–0486). William Smith of Nations Builders Insurance Services (NCCCO board member and C–DAC member) agreed, commenting that ''[l]eaving the rule as written [with certification but without a continued employer duty after November, 2014] would take us back in

[4] Wiethron, Jim D., *Crane Accidents: A Study of Causes & Trends to Create a Safer Work Environment,* 1983–2013, pp. 105–106 (HAAG Engineering, 2014).

time not forward in protecting lives'' [ID–0474]. A U.S. crane manufacturer stated that the lack of employer evaluation of an operator would be a problem, and certification is a foundation, but should not be a substitute for an employer competency evaluation. (Report #4 of ID–0673). Similarly, a training company representative stated that certification plays a vital role in the operator competency process, but sufficient training and months to years of actual operating experience are needed to ensure the operator's competency (Report #20 of ID–0673).

Other employers agreed that, depending on a number of factors, determining the competency of a new, inexperienced operator to become an independent, safe, and efficient operator is a process that can vary in time depending in part on the employer needing a new operator, having a crane available, and demand for the crane services (*e.g.,* Reports #2, 11 of ID–0673). This competency process is often informal and integrated in day-to-day work, with operators-in-training working closely with experienced operators in on-the-job training who mentor them and show them how to use equipment (Reports #1, 2, 3, 6, 11, 15, 16, 18, 19, 23 of ID–0673). Operators receive experience not only in the cab, but also in many tasks or operations related to hoisting, such as rigging, assembly/disassembly or set-up, or inspections.

A crane insurance representative suggested that the industry is moving away from assigning two employees to work on a crane, where the less experienced employee is mentored by the other, and expressed concern that this shift may impact the availability of sufficiently qualified operators and the safety of the industry (Report #25 of ID–0673). If true, such a trend would increase the importance of an employer evaluation requirement because the informal monitoring would be less frequent. Requiring certification by crane type and retaining the existing employer duty to evaluate operators should ensure that crane operators have sufficient training to maintain safety, even if the industry is moving away from assigning two employees to work on a crane. The existing certification requirement ensures baseline knowledge and skills to operate a crane, while retaining the employer duty to evaluate operators provides some assurance that the operator can handle the specifics of operating particular equipment and performing more challenging tasks. Many industry stakeholders told the agency that this combination is necessary to fully ensure that operators are truly qualified to operate the equipment for their assigned tasks.

Based on all of the reasons in the foregoing discussion, OSHA is proposing to clarify and make permanent the requirement for employers to evaluate their operators and operators-in-training in addition to ensuring that they are certified in accordance with the existing standard. The specific evaluation requirements are set out in proposed paragraph § 1926.1427(f) and are explained later in this document in the preamble discussion of that paragraph. OSHA requests comment on this proposal to retain the evaluation requirement in addition to certification. Are there more effective ways of ensuring that operators are fully qualified to use cranes for the specific activities that the operator will be required to complete, such as independent third-party evaluations?

Elimination of the Requirement To Certify Based on Capacity of Crane

As discussed above, OSHA's research suggests that while certification by type of crane establishes that an operator has a basic level of skill and knowledge about the operation of that type of crane, it is the employer's evaluation that best ensures the operator has the skill and knowledge necessary to operate a crane in a particular configuration. While testing organizations differed over whether a certification by capacity provided any useful information to an employer, most agreed that capacity is just one factor to be considered in the employer's overall evaluation of the operator's ability. OSHA is unaware of any direct evidence establishing a safety benefit for requiring certification by capacity. For these reasons, OSHA has preliminarily determined that, if the employer duty becomes a permanent requirement, employee certification by capacity of crane should no longer be required; rather, it should merely be an option for those employers who wish to use it.

OSHA requests comment on its proposal to eliminate the requirement that crane operators be certified by capacity in addition to type of crane. Do you or your employer currently require certification by both type and capacity? If so, how do you use the certification on capacity in determining whether an employee may operate a particular crane or conduct a particular lift? Please provide any other information of which you are aware showing safety benefits from certification by capacity.

J. Significant Risk

Section 3(8) of the OSH Act requires that OSHA standards be ''reasonably necessary or appropriate to provide safe or healthful employment'' (29 U.S.C. 652(8)), which the Supreme Court has interpreted as requiring OSHA to show that ''significant risks are present and can be eliminated or lessened by a change in practices'' (*Indus. Union Dep't, AFL–CIO* v. *Am. Petroleum Inst.,* 448 U.S. 607, 642 (1980) (plurality opinion) (''Benzene'')). The Court clarified that OSHA has considerable latitude in defining significant risk and in determining the significance of any particular risk, noting that ''[i]t is the Agency's responsibility to determine, in the first instance, what it considers to be a 'significant' risk'' (Benzene, 448 U.S. at 655).

Although OSHA makes significant risk findings for both health and safety standards, the methodology used to evaluate risk in safety rulemakings is more straightforward. Unlike the risks related to health hazards, which ''may not be evident until a worker has been exposed for long periods of time to particular substances,'' the risks associated with safety hazards such as crane tipovers, electrocution, and striking or crushing workers with a hoisted load, ''are generally immediate and obvious.'' Benzene, 448 U.S. at 649, n.54. OSHA's 2010 Cranes and Derricks in Construction standard was accompanied by an extensive analysis in which the Agency examined fatality and injury data available in 2008 and concluded that employees working in or around cranes and derricks face a significant risk of death or serious injury (see 75 FR 48093).

When, as here, OSHA has previously determined that its standard substantially reduces a significant risk, it is unnecessary for the Agency to make additional findings on risk for every provision of that standard (see, *e.g., Public Citizen Health Research Group* v. *Tyson,* 796 F.2d 1479, 1502 n. 16 (D.C. Cir. 1986) (rejecting the argument that OSHA must ''find that each and every aspect of its standard eliminates a significant risk''). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole. (*Asbestos Information Ass'n/N. Am.* v. *Reich,* 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass'n* v. *Secretary of Labor,* 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL–CIO–CLC* v. *Marshall,* 647 F.2d 1189, 1237–38 (D.C. Cir. 1980)).

As explained elsewhere in this preamble, the proposal meets this test. OSHA previously concluded that the standard would substantially reduce risk through a combination of mandatory operator certification and other requirements, but OSHA did not claim that the standard would eliminate the significant risk entirely. The employer evaluation is reasonably related to the reduction of significant risk because it reduces employee exposure to the previously identified hazards. It reflects current industry best practices and helps to ensure the employee has the skills and knowledge to operate the crane safely during the lifts to which he or she is assigned.[5]

The Agency notes that there is ample evidence in the record that workers could continue to be exposed to the hazards that OSHA sought to reduce through the cranes standard. OSHA relied on fatality data available in 2008 when it promulgated the crane standard, but unfortunately crane-related fatalities have continued to occur. According to the Census of Fatal Occupational Injuries, 47 crane operators were killed between 2011 and 2014 (this does not include accidents with non-fatal injuries or crane incidents causing fatalities or injuries to workers other than the crane operator).[6]

Another useful data source is a report by an engineering forensics firm, HAAG Engineering, of a large dataset of crane accidents that it has investigated over a period of 30 years (Wiethorn, 2014, the ''HAAG Report'') (ID–0674). The final dataset has 507 incidents, covering all types of cranes and accidents. This dataset is likely biased towards larger accidents since these are more likely to warrant significant investigation for insurance and litigation issues. But while it cannot be said to be a representative sample of all crane accidents, it is a large sample and hence suggestive of more general trends. The HAAG report states that of 147 fatalities among its reported crane incidents, 28 were operators, meaning there were over 4 times more non-operator employees killed than operators from crane accidents in this sample ((147 − 28)/28 = 4.3).[7] Similarly for injuries, out of 281 injuries, 29 were to operators, so that there were 8.7 non-operator injuries for every operator injury ((281 − 29)/29 = 8.7).[8] Of course these two categories are not mutually exclusive (there will often be injuries when there is a fatality).

As noted in more detail in the *Benefits* section of the Preliminary Economic Analysis for this rule, three recent fatalities in particular illustrate the dangers from improper equipment operation that OSHA posits could be prevented by the evaluations included in this proposed amendment to the standard. In one instance, the crane operator was not familiar with the controls of the equipment. In another incident, an operator hoisting pipes longer than he had previously hoisted used an improper boom angle, indicating that he did not possess adequate knowledge and skills to address the additional challenges of the task he was required to perform. In the third incident, a fatality occurred when an employee operated a new, unfamiliar machine with controls in different locations than the machines with which the operator was accustomed. While the employee's use of that equipment arose from unexpected circumstances, the result nonetheless demonstrates the risk inherent with operating a crane without a method to ensure the operator knows how to use the particular crane to which he or she is assigned.

As explained in the Background and Need for Rulemaking sections of the preamble, stakeholders have raised serious concerns that the current level of risk will increase if OSHA does not make permanent the employer duty to ensure operator competency on the actual equipment they operate. The nearly unanimous message to OSHA is that crane operator certification is designed to ensure a basic level of general operating competency, but is not by itself sufficient to ensure that operators have the necessarily skills and knowledge to operate all assigned equipment or to perform all assigned tasks safely.

III. Summary and Explanation of the Proposed Amendments to Subpart CC

Discussion of the Proposed Rule's Organization and General Terms Used in Its Summary and Explanation

The following discussion summarizes and explains each new or revised provision in the proposal and the substantive differences between the proposal and OSHA's current crane operator requirements in subpart CC of 29 CFR 1926. In general, OSHA proposes to reorganize this section of the current rule to improve comprehension of the requirements. In the *Background* section of this notice, OSHA summarizes revisions to the current rule that would clarify crane operator requirements and address concerns raised by stakeholders and through enforcement activity. OSHA asks for public comment on the potential impact and necessity of those revisions and for alternatives to these revisions that should be considered.

OSHA applies the term ''qualification'' within the proposed regulatory text for operators working for the U.S. military. This has been carried over from the existing provisions. OSHA has retitled § 1926.1427 as ''Operator training, certification, and evaluation.'' When OSHA uses ''qualification'' or ''qualified operator'' in this preamble, it means an individual who is fully trained, certified, and passed an evaluation by the employer, or the process of completing all three of those steps.

Paragraph (a)—Duty To Train, Certify or License, and Evaluate Operators

Proposed paragraph (a) sets out the employer's responsibility to ensure that each operator completes three steps before the employer permits him or her to operate equipment covered by subpart CC without continuous supervision. Each operator must be trained to do the construction activity that will be performed, be certified/licensed in accordance with subpart CC, and be evaluated on his or her competence to safely operate the equipment that will be used. In addition, paragraph (a) sets out exceptions to these requirements for certain equipment, as well as continuing to note that qualifications issued by the U.S. Military to its non-uniformed employees satisfy OSHA's crane standard. The proposed new approach provides a clearer structure than the existing standard, which was not designed to accommodate both certification and evaluation.

In addition, the proposal makes clear that post-certification training is required.

OSHA acknowledges that the existing standard could be clearer regarding ongoing training requirements for certified operators. OSHA anticipated, and the existing rule reflects the notion, that certification would supplant the employer's evaluation, and that employers would train their operators on the equipment for which they were certified, so therefore the employer would have met the training requirements specified under §§ 1926.1427(f) and 1926.1430(c)(2) at or around the time the operator was

[5] The proposed removal of the requirement for certification by crane lifting capacity is not implicated in this significant risk discussion because it removes a requirement and does not impose any new duties.

[6] Bureau of Labor Statistics, *Census of Fatal Occupational Injuries (2011 forward),* Fatalities to Crane and Tower Operators, series ID FWU50X53702X8PN00, available at *http://www.bls.gov/iif/data.htm.*

[7] The HAAG report, p. 31.

[8] Id.

certified. Therefore, OSHA did not spell out the ongoing training necessary for certified operators to learn to operate new equipment or perform new tasks. The proposed rule contemplates operators still needing additional training after they are certified, such as training to operate a new type of crane, perform new tasks, or handle new controls in a new model of crane.

The training components in the proposed and existing standards are similar. The proposed standard differs from the existing standard in that it clarifies that the employer would be obligated to train employees, as necessary, even after they are certified, until the employer has evaluated them in accordance with proposed paragraph (f). As under the existing standard, (see current § 1926.1430(g)(2)), refresher training would also be required when indicated by deficiencies in the employee's demonstrations of crane knowledge and equipment operation.

The current certification/licensing requirement, which is the centerpiece of the existing operator requirements, would remain largely unchanged under this proposal, with the exception that different certifications for different capacities of cranes would no longer be required. The reference to ''certified/licensed'' is intended to encompass each of the certification options in the standard (third-party certification or an audited employer certification program) as well as state or local operator licensing requirements.

The third element in the introductory text of proposed paragraph (a) refers to the employer's duty to assess the operator to ensure that an operator has the skills, knowledge, and judgment to safely operate equipment. The proposed duty to evaluate operators is similar to the duty in the existing standard at § 1926.1427(k)(2)(i), which specifies interim duties that are required until they are scheduled to be phased out once operator certification requirements become effective on November 10, 2018. OSHA is proposing to maintain this employer duty permanently but re-locate it to paragraph (a) to clarify the standard's requirements. In addition to the existing requirements in § 1926.1427(k)(2)(i), the proposal has requirements for the individual who performs the evaluation and requirements for documenting the evaluation. The proposal retains the existing standard's duty for employers to re-evaluate operators when necessary (see current § 1926.1430(g)(2)), but moves it to the evaluation section to clarify the requirements (see full discussion of proposed paragraph (f)—*Evaluation* below.)

Proposed paragraphs (a)(1)–(3) provide limited exceptions to the general requirement in paragraph (a) that operators must be trained, certified, and evaluated before operating equipment.

Proposed paragraph (a)(1) would permit an employee to operate equipment as an ''operator-in-training'' prior to being certified and evaluated, provided that he or she is supervised and operates the equipment in accordance with the training requirements in paragraph (b). This is the only means by which an individual may operate equipment prior to being trained, certified, and evaluated as competent to do so. This exception is substantively similar to the requirement in the existing crane standard at § 1926.1427(a), which permits uncertified operators to operate equipment only when the employer complies with the requirements specified under existing § 1926.1427(f)—*Pre-qualification/certification training period.* But it would also permit certified/licensed operators to operate equipment as operators-in-training before successfully completing an evaluation. For example, this provision would allow experienced and certified operators to become accustomed to performing new crane operations or operating somewhat different equipment while being evaluated by the employer for that purpose, or to allow a newly hired operator to run the equipment while a new employer gauges the operator's crane knowledge, operating skills, and training needs. In addition, experienced operators who are not certified could operate the equipment when all operator-in-training requirements are met.

The proposal recognizes that on-the-job training is an important component of gaining the practical operating experience necessary to safely operate a crane and to pass a competency evaluation. Moreover, based on the stakeholder discussions noted above, many employers who train new operators require them to complete operator certification at the beginning or in the middle of their training program, while employer evaluation of competency is generally a later step in the process and may occur many times over an operator's career. Therefore, OSHA believes that permitting an operator-in-training to operate equipment under the conditions specified in paragraph (b) is appropriate and necessary to ensure the safety of operators-in-training while they train for competency evaluations by employers.

In addition, proposed paragraph (a)(1) expressly states that an operator-in-training may only operate equipment *under supervision* to ensure that employers understand that supervision is a mandatory component of operating in accordance with proposed paragraph (b), and therefore under this exception. Because the existing crane standard also requires operators-in-training to be supervised, including the supervision requirement in proposed paragraph (a) as well as proposed paragraph (b) is a non-substantive, clarifying amendment (see paragraph (b) for a more thorough discussion of on-the-job and general training requirements).

Proposed paragraph (a)(2) retains the exemptions for derricks, sideboom cranes, and equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less from the training and supervision requirements in proposed paragraph (b) and the certification/licensing requirements in proposed paragraphs (c)–(d). OSHA considered, but has declined to include in this proposal, other requests for certification exemptions for operators of other types of equipment, including cranes with a rated maximum lifting capacity in the 5,000–35,000 pound range and cranes that are typically used for repetitive lifts, or are only used intermittently. In adopting the existing rule, OSHA considered exempting such equipment and concluded that ''many of the same hazards presented by larger cranes are present for cranes in [the 5,000–35,000 lb.] capacity range'' (75 FR 48016). Similarly, OSHA concluded that the underlying causes of crane fatalities and injuries did not necessarily decrease for cranes used for duty cycle work (Id.).

Proposed paragraph (a)(3) would preserve an existing provision that states that non-uniformed personnel employed and qualified as operators by the U.S. military meet the licensing/certification requirements of § 1926.1427. OSHA moved this provision from the other certification/qualifications options because it operates as an exception: It specifies that no certification/licensing or training obligation for construction employers is needed beyond verifying that the employee is employed by, and qualified by, the military. For the purpose of confirming that a military operator has the basic crane knowledge and operating skills required through licensing and certification, OSHA defers to the operator qualification process of the U.S. military as the employer. However, the military qualification is not portable: An operator must comply with all of the provisions of the crane

standard whenever he or she operates equipment for an employer other than the U.S. military. OSHA requests comment on this proposed paragraph regarding whether the relocation of this provision is appropriate and if it is clear that this is an exclusion from all qualification and training requirements of this standard, not just certification.

Paragraph (b) Operator Training

The requirement for employers to train and evaluate operators before permitting them to operate equipment is contained in paragraph (a) of the proposal. Proposed paragraph (b) would set forth minimum requirements for training, specify requirements for trainers, and establish limitations on the scope of activities for operators-in-training. This proposed paragraph would specify the conditions under which an individual may operate a crane prior to acquiring certification or successfully completing an employer evaluation. These training provisions are intended to provide a safe avenue for employees to gain experience operating cranes.

The proposed training requirements of paragraph (b) would clarify that employers must continue to address operator training needs after the operator has been certified and demonstrated competency through employer evaluation on specific equipment. Proposed paragraph (b) differs from the training requirements in the existing standard because the proposal would clarify that the employer's training duty is both equipment-specific and task-specific, and extends until the employer has satisfactorily evaluated the operator-in-training in accordance with proposed paragraph (f)—*Evaluation,* or if any retraining or subsequent training is required to perform the assigned tasks. The proposal recognizes that even a certified and evaluated operator may need additional training to safely operate new equipment or perform significantly different types of lifts. Therefore, the employer's duty to train remains an ongoing responsibility that must be met as the operator's operating experiences expand. In contrast, the existing standard is not as clear (except when an individual's deficient operating performance or crane knowledge triggers re-training) that the employer's duty to train extends beyond when the individual is certified and evaluated. This proposal clarifies that the employer's duty to train is aimed at ensuring that the employee can safely use the equipment that will be operated.

Existing training requirements are distributed between two sections. First, § 1926.1427(f)—*Pre-qualification/certification training period,* sets forth the limited conditions under which an operator-in-training can safely operate equipment before being certified. Secondly, § 1926.1430—*Training Requirements,* centralizes the triggers for operator training requirements, including those for re-training. As discussed in the explanation for this section, OSHA is proposing to remove the substantive operator training requirements from § 1926.1430 and replace them with a cross-reference to proposed § 1926.1427(b) so that the substance of the training requirements for operators, as well as all operator-in-training requirements, would be under one section. Relocating the requirements of § 1926.1427(f) would also ensure that the organization of the crane operator requirements corresponds with the order of a typical operator competency program—*i.e.* initial training generally precedes certification and an operator being determined competent by employer evaluation.

The introductory text in proposed paragraph (b) would require the employer to provide operators-in-training with sufficient training to ensure that they develop the skills, knowledge, and judgment necessary to safely operate equipment to perform work. In addition, this proposed requirement would specify that training must include a combination of formal and practical instruction.

OSHA notes that this paragraph (b) does not mean that employers must provide novice-level or redundant training when they hire an experienced operator as a new employee. Employers must determine what level of practical and formal training an operator-in-training would need under proposed paragraph (b). Ultimately, the methods chosen must be effective and responsive to each operator's training needs.

OSHA is proposing to remove the introductory text in existing paragraph (f). The existing introductory paragraph contains the requirement that a non-certified employee may only operate as an operator-in-training within the limitations of paragraph (f), which would be supplanted by the language in proposed paragraphs § 1926.1427(a)(1) and (b).

Most of the specific training requirements in proposed paragraph (b) would be identical or similar to the existing training requirements. Proposed paragraph (b)(1) requires the employer to provide the operator-in-training with instruction on the subjects in paragraph (j). This requirement is identical to the requirement in existing § 1926.1430(c)(1)—*Operators-in-Training for equipment where certification or qualification is required by this subpart,* although under the proposed standard this duty continues after the operator-in-training is determined competent by employer evaluation when the operator operates new equipment or performs tasks that require new skills or knowledge. An individual may be a fully certified and evaluated operator with respect to one piece of equipment such that he or she is allowed to operate that equipment independently, but simultaneously be an operator-in-training (and thus subject to the operating restrictions in the standard) with respect to different equipment or tasks that require significantly different skills or knowledge.

Current section 1926.1427(j)—*Certification criteria* specifies the mandatory subject matter for third-party licensing and certification, as recommended by C–DAC. It requires a written and a practical test. Subparagraph (j)(1)(i) specifies areas of information that must be covered by the written certification test for the type of crane that an individual will operate, such as controls, operational/performance characteristics, load calculations, and ground conditions. This subparagraph also references a more comprehensive list of areas of technical knowledge in Appendix C—*Operator Certification: Written Examination: Technical Knowledge Criteria.* Subparagraph (j)(2) identifies the operating skill areas that must be covered by the practical certification test.

OSHA preliminarily concludes that operators-in-training should continue to receive training in the subject matter identified in this section as recommended by C–DAC. However, OSHA is proposing to relocate the requirement in § 1926.1430(c)(1) to proposed § 1926.1427(f) so that the requirements for operators-in-training may all be found in one place. New language in proposed § 1926.1430—*Training,* discussed separately below in this preamble, would reference proposed paragraph § 1926.1427(a) and (b) rather than repeat the same requirement.

Proposed paragraph (b)(2) requires the employer to ensure that a trainer continuously monitors operators-in-training during all crane operation. This requirement is identical to the existing requirement for continuous monitoring under existing paragraph (f)(3).

Proposed paragraph (b)(3) requires the employer to assign the operator-in-training only tasks that are within his or her ability. This requirement is

substantively identical to the requirement under current paragraph (f)(2). OSHA is proposing minor changes to the language of this requirement to clarify that it is the employer's duty to assign tasks to the operator-in-training. OSHA is also proposing to relocate the requirements of existing paragraph (f)(1). The existing paragraph requires the employer to provide each operator-in-training with training sufficient to operate safely under the limitations of existing paragraph (f). Its requirements are retained in proposed paragraphs (b)(1) and (b)(3), which state that the operator-in-training must be trained on the subject matter specified in paragraph (j) of this section and may only perform tasks that are within his or her abilities.

Proposed paragraph (b)(3) retains the limitations specified in existing paragraph (f)(5), which preclude operators-in-training from operating equipment next to energized power lines; from hoisting personnel; or from performing multiple-equipment lifts, multi-lift rigging operations, or lifts over shafts, cofferdams or in a tank farm. OSHA previously determined in the 2010 final rule that these equipment operations and worksite conditions are too complex, or present such heightened risks, that it would be unreasonably dangerous if an operator-in-training were to operate the equipment in these circumstances (75 FR 48024). However, OSHA is considering revising these limitations because they may have the effect of preventing operators from gaining the experience necessary to conduct these lifts. It appears that even certified operators may lack the experience to perform crane operations listed in § 1926.1427(b)(3), particularly if the operator is subject to the operator-in-training prohibitions until he or she is evaluated for competence at that skill. OSHA requests public comment on whether such restrictions are still appropriate or whether they unduly restrict the employer's discretion to allow experienced but uncertified, or certified but unevaluated operators, the opportunity to participate in even monitored, on-the-job training for those activities. The agency is particularly interested in comments addressing how employers have identified and evaluated operators for these tasks, both before and after the 2010 rule took effect.

Proposed paragraph (b)(4) prescribes minimum requirements for monitored training of operators-in-training and trainers who monitor operators-in-training. Proposed (b)(4)(i) specifies requirements for the required trainer which are similar to requirements in paragraph (f)(3) of the existing standard. Proposed paragraph (b)(4)(i)(A), which requires the trainer to be the employee or agent of the operator-in-training's employer, is identical to existing subparagraph (f)(3)(i).

Proposed paragraph (b)(4)(i)(B) requires that the trainer must ''have the knowledge, training, and experience necessary to direct the operator-in-training on the equipment in use.'' This requirement is different from the requirements of existing paragraph § 1926.1427(f)(3), which requires a trainer to either be a certified operator or to have passed the written part of a certification test and have familiarity with the equipment's controls. This proposal recognizes that some trainers without certification may be competent to teach or monitor the equipment operations of an operator-in-training.

OSHA is proposing this change for three reasons. First, OSHA has preliminarily concluded that merely requiring the trainer to have passed the written part of a certification test is insufficient to confirm a trainer's ability to train other operators. Existing paragraph (f)(3) presumes that all certified operators or individuals who passed only written certification tests have the skills to monitor an operator-in-training, but as explained above, OSHA now believes that certification alone is insufficient to ensure that operators are competent to safely operate a crane. Under this proposed rule, even after the basic crane knowledge and operating skills of operators have been confirmed through certification testing, employers must still determine through evaluation if operator training already provided is sufficient or if more is necessary, based on the complexity of equipment that will be used and activity that will be performed. Thus, requiring an individual to pass a written certification exam appears to be likewise insufficient as the sole criterion for confirming a trainer's ability to monitor and train an operator-in-training.

Second, OSHA has preliminarily concluded that, using certification as the sole criterion could actually impose barriers to proper training to the extent it excludes individuals who have extensive operating experience and familiarity with the controls of particular equipment operated but may not possess a certification for it. The careers of experienced operators may naturally progress to training other operators as their physical abilities begin to diminish. Under the existing trainer requirements, an experienced but uncertified operator may have to be monitored by less experienced but certified individual or one that has merely passed the written certification exam. For these reasons, allowing only certified operators in these training roles, on its face, appears to be inconsistent with an industry practice of pairing inexperienced operators with experienced trainers who monitor the safety and professional development of the inexperienced operator.

Third, OSHA concluded that passing a written certification test is not a definitive indicator of safe training practices in the industry and requiring certification of all trainers could significantly alter many existing work practices in the industry. Stakeholder feedback suggests that many different employees or agents of an employer fill the role of a trainer under certain circumstances. Some formal training might be administered by someone with extensive knowledge of a particular make and model of crane. For example, some crane manufacturers offer technical training to their customers regarding the operation, maintenance, and troubleshooting of cranes they sell (see Reports #4, 5, 13 of ID–0673). On-the-job training, by contrast, is often administered by a seasoned crane operator with years of experience (see Reports #1, 2, 19, 23, 28 of ID–0673) or in some cases by a retired operator (see Report #26 of ID–0673). In addition, an employer might employ an experienced safety manager, foreman, or site manager to monitor some work activities, or an experienced small business owner might fill the role of trainer in some cases (see Reports #1, 2, 15, 26 of ID–0673). And OSHA spoke with three companies that offer other employers private training from experienced operators who are also qualified instructors (see Reports #20, 21, 22 of ID–0673). In sum, stakeholders reported that some individuals who have the necessary knowledge, training, and experience to direct the operator-in-training do not possess a certification and possibly could not pass formal testing for a variety of reasons.

Thus, although some public commenters at the March 31–April 1, 2015 ACCSH meeting supported requiring trainers to possess a certification, OSHA proposes to adopt language similar to the requirement in ASME B30.5 (2014) at 5–3.1.2(e) that training be performed by a ''designated person who, by experience and training, fulfills the requirements of a qualified person.'' Under the proposed language, employers would have some flexibility in determining the level of knowledge and experience that the trainer must possess based on the skill level of the operator-in-training and the nature of

the activity performed. OSHA expects that in many cases, the trainer will possess a certification. However, the proposal leaves open the possibility that the trainer's experience with the task and equipment used could be sufficient for experienced personnel to provide training even absent a certification. For example, an uncertified person who has significant experience operating the particular equipment used during the training may have more insight into the function of its controls and the nuances of its operation than someone who is certified for that type of equipment but has never operated that particular equipment. OSHA concludes that this performance-based language, which is similar to the qualified person definition that is familiar to the construction industry, could give employers the flexibility to select and assign trainers who are appropriate to the skills and needs of their operators-in-training, while ensuring that these trainers possess an ability to train operators-in-training that goes beyond mere certification.

OSHA requests comment on this proposed revision of existing trainer requirements. Should OSHA retain the requirement that trainers possess a certification or at least pass the written certification exam while adding a new additional requirement that the trainer possess the knowledge, training, and experience to direct the operator-in-training? Should trainers also be evaluated under proposed paragraph (f)? Should certification alone be considered sufficient evidence that an individual has the knowledge, experience, and training to be a trainer? Why or why not? If certification is not sufficient, please provide specific recommendations for additional qualifications. For example, if the assertion is that a trainer should have previous experience operating equipment, it would be helpful to specify what kind of experience and how much: Should a specific number of seat hours be required? Should experience with the same type of equipment be sufficient, or should the trainer have previously operated that particular equipment (and if so, for how long)?

Proposed paragraph (b)(4)(ii) prohibits the trainer from performing any task that detracts from his or her ability to monitor the operator-in-training. It is identical to existing paragraph (f)(3)(iii).

Proposed paragraph (b)(4)(iii) requires the operator's trainer and the operator-in-training to be in each other's direct line of sight, and that they communicate verbally or with hand signals. This requirement is substantively the same as existing paragraph (f)(3)(iv), with minor simplifying language changes. The proposal relocates this provision to an independent subparagraph to clarify that the employer has the ultimate responsibility for ensuring compliance with this requirement. This proposed paragraph also provides an exception for tower cranes; the trainer and operator-in-training must be in direct communication with each other, but are not required to maintain a direct line of sight because the height of the operator's station may make it infeasible. (See also, the discussion of existing paragraph (f)(3)(iv) in the preamble to the final cranes standard at 75 FR 48024). This exclusion is also substantively the same as existing paragraph (f)(3)(iv), with minor simplifying language changes.

Proposed paragraph (b)(4)(iv) requires that an operator-in-training be monitored while operating the equipment at all times except for short breaks and retains the conditions specified under existing paragraph (f)(4) for that monitoring. Proposed paragraph (b)(4)(iv)(A) requires that a break can last no longer than 15 minutes and can occur no more than once per hour. Proposed paragraph (b)(4)(iv)(B) requires the employer to ensure that the trainer and operator-in-training communicate about the tasks, if any, that can and cannot be performed in the trainer's absence while on break. Proposed paragraph (b)(4)(iv)(C) limits tasks performed during the trainer's break to only those that are within the abilities of the operator-in-training.

Proposed paragraph (b)(5) requires the employer to provide retraining when, based on the performance of the operator or an assessment of the operator's knowledge, there is an indication that retraining is necessary. This language is identical to the requirement in existing § 1926.1430(g)(2) but would be included in proposed paragraph (b) to consolidate all substantive training requirements to the extent practical for operators covered under § 1926.1427. Because the requirements of § 1926.1430(g) apply more broadly to all employees covered by this standard, however, OSHA is not proposing to delete that requirement from § 1926.1430(g). Thus, identical language will appear in two different paragraphs of the proposed standard. This retraining requirement is consistent with the retraining described as already implemented by employers who spoke with OSHA during interviews and site visits (see Reports #1, 2, 3, 15, 18, 19, 22, 26 of ID–0673). Note that the need for retraining under proposed paragraph (b)(5) would also trigger the requirement for reevaluation under proposed paragraph (f)(5) (see also preamble discussion below of paragraph (f)—*Evaluation*).

Paragraph (c) Operator Certification and Licensing

At the ACCSH meeting on March 31–April 1, 2015, ACCSH members unanimously recommended that OSHA move forward with a rulemaking that retained certification while permanently extending the employer's duty to ensure the competency of operators. Proposed paragraph (c) retains the certification and licensing structure of the existing standard with only a few minor modifications intended to improve comprehension of certification/licensing requirements.

First, OSHA proposes to move the military qualification provisions of existing § 1926.1427(e)(4) to the proposed exception in paragraph (a), as noted earlier.

Second, OSHA proposes to remove the somewhat misleading reference to an ''option'' with respect to mandatory compliance with existing state and local licensing requirements. When a state or local government issues operator licenses for equipment covered under subpart CC, and that government licensing program meets the requirements specified in the standard, then employers must ensure that equipment operators are properly licensed when working in the state or local jurisdiction, even if the operator is also certified by a nationally accredited certification organization.

The content of proposed paragraph (c)(1) is virtually identical to provisions in existing § 1926.1427(e)(2), with one exception: Proposed (c)(1)(v). For a more detailed explanation for the other provisions in this paragraph, see the preamble to the final subpart CC rule for § 1926.1427(e)(2) at 75 FR 48021–23 (August 9, 2010).

Proposed § 1926.1427(c)(1)(v) states that licensing must specify the ''type, or type and capacity'' of equipment for which the certification is applicable. OSHA is proposing this specification that state and local licenses specify the type of crane in order to clarify the obligation under the existing standard and facilitate enforcement. In existing § 1926.1427(e)(2)(i), OSHA requires a licensing program to include at minimum, an assessment of the knowledge and skills listed in paragraph (j). Paragraph (j)(1)(i) requires an individual to know the information necessary for safe operation of the specific type of equipment the individual will operate. If the license does not identify a specific type of

equipment, it is more difficult to determine whether the operator possesses the knowledge required under (j)(1). OSHA solicits comments on whether compliance with this requirement would necessitate a significant change to any state or local licensing program.

The ''type, or type and capacity'' language was requested by Crane Institute Certification and recommended by ACCSH. The language was proposed to make clear that while all certifying bodies must certify by type of crane in order for their certifications to meet OSHA's requirements, they may also choose to specify different levels of crane capacity for their certifications.

Although OSHA is proposing this language as requested, it invites comment on whether the language ''or type and capacity'' should be removed in the final rule. OSHA would recognize a certification that lists the type of crane on which an operator has been certified, whether or not it also lists a capacity, as a compliant certification (assuming that the certification also meets the requirement of this standard). For example, if a crane operator certification showed that an operator was certified to operate a tower crane, the certification would be valid because it lists the type of crane on which the operator was certified. Whether the capacity of the crane was also listed would not affect whether OSHA would consider the certification compliant. OSHA invites comment in particular on whether including ''capacity'' in this provision could confuse the industry as to whether capacity is required for a state or local license to be valid under § 1926.1427, particularly in light of the fact that one purpose of this proposal is to remove the capacity requirement from certification (see the Need for a Rule section above).

In the existing standard, OSHA frames the state/local licensing process through a structure parallel to the model in which third-party certification organizations are accredited by a nationally recognized accrediting body. In the proposed rule, OSHA's approach would be simpler: Proposed paragraph (c)(1) would directly require states or localities to meet certain criteria in order for their operator licenses to be enforceable by OSHA. If these minimum ''federal floor'' criteria are not met, then OSHA would deem those licenses insufficient and would not require employers to comply with those licenses.

The remainder of the requirements of proposed paragraph (c)(1) are substantively the same as those in §§ 1926.1427(a)(1), (a)(2), and (e) of the existing rule, except that OSHA combined the requirements of those three paragraphs into one paragraph and clarified some of the language to facilitate better comprehension of state or local government entity requirements.

Proposed paragraph (c)(2) specifies the certification requirements for two remaining situations: The construction occurs in a state or local jurisdiction that does not require licensing of equipment operators, or the construction occurs in a state or local jurisdiction where the licensing program does not meet the ''federal floor'' of requirements established in this standard. In each of those situations, the operator would have to be certified in accordance with proposed paragraph (d) (third-party certification) or (e) (audited employer program) of this section. Proposed paragraph (c)(2) is identical to existing § 1926.1427(a)(2), except that it references only the paragraphs containing criteria for certification by an accredited testing organization and an audited employer program—and not the option for qualification by the U.S. military which would be addressed as a scope exclusion in proposed paragraph (a)(3). Proposed paragraphs (d) and (e), discussed later, correspond to existing paragraphs § 1926.1427(b) and (c), respectively.

Proposed Paragraph (c)(3)—Employer Payment for Certification and Licensing

Proposed paragraph (c)(3) would require employers to provide the required certification or licensing at no cost to employees. This proposed requirement is almost identical to that of § 1926.1427(a)(4) of the existing rule, except that it has been revised to clarify that it applies to all operators certified or licensed after the effective date of the new standard, not just those operators who were ''employed by the employer on November 8, 2010,'' as existing § 1926.1427(a)(4) states.[9] This proposed requirement would then be in line with, and be enforced similarly to, other OSHA provisions that require employers to provide personal protective equipment, medical examinations, or other functions at no cost to the employees. The requirement would also be consistent with the way in which OSHA assessed costs in the 2010 economic analysis. In the final economic analysis of subpart CC, OSHA modeled all of the costs for compliance with the existing certification requirements as if all employers always paid for the certifications they provide for operators. Note, however, that this provision would not mandate an employer to maintain its employment of an employee/operator who cannot pass certification testing or who is not a good operator candidate. Furthermore, an employee who does not possess a certification may still be allowed by the employer to operate a crane indefinitely, but only as an operator-in-training and through the employer's compliance with all requirements of proposed paragraph (b) of this section.

Proposed Paragraph (c)(4)—Single Entity Permitted To Provide Training and Testing

Proposed paragraph (c)(4) would retain, without change, the content of existing § 1926.1427(g), which states that a testing entity is permitted to provide training as well as testing services as long as the criteria of the applicable accrediting agency (in the option selected) for an organization providing both services are met.

Paragraph (d) Certification by an Accredited Crane Operator Testing Organization

As noted above, proposed paragraph (c)(2) provides two options for certification: Compliance with proposed paragraph (d) (third-party certification) or proposed paragraph (e) (audited employer program). Compliance with the requirements of proposed paragraph (d) is the option that OSHA expects the vast majority of employers to use. Proposed paragraph (d) retains, with some non-substantive language clarification and two exceptions discussed below, the requirements of existing paragraph § 1926.1427(b).

First, the most significant change is that the proposal replaces the references to certification by ''type and capacity'' that appear in existing sub-paragraph (b)(1)(ii)(B) and (b)(2) with ''type, or type and capacity'' as recommended by ACCSH (see OSHA–2015–0002–0037 pg. 71). The need for this change is explained in the ''Need for a Rule'' section of this preamble. This proposed revision will remove the requirement to obtain a certification for a designated crane capacity, but also clarify in regulatory text that OSHA considers testing organizations whose programs provide certifications that specify ''type

[9] Existing § 1926.1427(a)(4) requires employers to provide ''the qualification or certification'' at no cost to the employees. Because existing § 1926.1427(a)(1) mandates that employers ensure that all operators are ''qualified or certified to operate the equipment in accordance with the following,'' the required state or local licensing must constitute a form of qualification or certification. Thus, employers are currently required to pay for state or local licensing of their operators when those licenses are required by OSHA.

and capacity'' equally acceptable. One testing organization expressed concerns that the clarification is needed to prevent confusion about this particular certification requirement. OSHA's concerns about adding this language are noted above in the preamble discussion for paragraph (c)(1), and the Agency seeks comment on whether to include the language ''type, or type and capacity'' in this standard.

Second, the proposal does not include the reference in existing § 1427(b)(2) to an employee being ''deemed qualified'' to operate equipment under certain conditions if no accredited testing organization offers certification examinations for a specific type of equipment. Instead, the proposal states that the operator would be ''deemed certified.'' The latter proposed change would help to avoid the misconception that an operator could be considered competent to safely operate equipment without also being evaluated and determined competent by the operator's employer.[10] All other provisions in proposed paragraph (d) are unchanged from existing paragraph (b), and discussion and justification of these provisions can be found in the preamble to the final cranes standard (75 FR 48017). OSHA solicits comment on the proposed changes encompassed in proposed paragraph § 1926.1427(d).

OSHA is considering deleting the requirement for operator recertification every five years and solicits public comments about whether this requirement is necessary, or alternatively, whether compliance with proposed §§ 1926.1427(b)(5)—*Retraining,* and 1926.1427(f)(5)—*Re-evaluation,* would be sufficient to ensure operators continue to operate cranes safely after being certified, trained, and evaluated. During its many conversations with stakeholders about crane operator mentoring and periodic assessment, OSHA heard that frequent monitoring, employer feedback, and assessment of an operator's proficiency on the job are industry-recognized work practices (see site visit discussion in *Background* section). Similarly, most employers who spoke with OSHA explained that their operator competency programs provide their operators with updates regarding any new information about equipment and changes to federal, state, and local government regulations as well as any changes in company policies. None of these employers expressed concerns about operators losing their basic knowledge and operating skills after periods of inactivity.

Paragraph (e) Audited Employer Program

The substantive content of proposed paragraph (e) is the same as existing § 1926.1427(c). It sets out the parameters for a nonportable certification program administered by the employer and audited by a third party. The proposed changes to the regulatory text for the audited employer program are to remove the word ''qualification'' and to replace three cross references with updated references to their new locations in the proposed rule.

OSHA's proposal to remove the reference to ''qualification'' from the heading of the paragraph changes the product of the employer program from a ''qualification'' of the operator to a ''certification'' of the operator. OSHA is removing the reference to ''qualification'' because of the misconception by some that it signaled full competency, rather than its intended meaning as an equivalent to certification. The employer audited program would continue to be an alternative to certification by an independent third party.

Three cross references would be changed. First, the reference in existing § 1926.1427(c)(1)(i) to ''paragraph (b)'' will be revised to ''paragraph (d)'' in the proposed rule. Second, the reference in existing § 1926.1427(c)(1)(ii)(A) to ''paragraph (b)'' will be revised to ''paragraph (d).'' Finally, the reference in existing § 1926.1427(c)(4) to ''paragraphs (c)(1) and (2)'' will be revised to ''paragraphs (e)(1) and (2).''

OSHA solicits comment on the proposed variations from the existing § 1926.1427(c).

Paragraph (f) Evaluation

Proposed paragraph (f) sets out specific requirements that employers must follow to conduct an operator evaluation, including evaluation criteria, minimum qualifications for the person conducting the evaluation, documentation, and re-evaluation requirements.

The rationale for proposing the evaluation requirement is explained earlier in the ''Need for a Rule'' section of this preamble; the discussion here focuses on OSHA's rationale for when and how the evaluations would be conducted. OSHA's goal in proposed paragraph (f) is to give employers flexibility to conduct evaluations in the course of normal business, but at the same time to provide enough specificity to ensure that an evaluation satisfies the minimum criteria necessary to ensure safe operators. OSHA requests comment on the proposed process for crane operator evaluation, and, as explained in more detail below, any of the specific requirements of this proposed paragraph.

Proposed paragraph (f)(1) requires employers to evaluate their operators and specifies the two goals of the evaluation: Ensure that the operator has (i) the necessary skills, knowledge, and judgment to safely operate the actual equipment that will be used, and (2) the ability to safely perform the assigned work. These performance-based evaluations are intended to be more directly focused on the operator's actual work than the general knowledge and skills tested during the certification process.

In developing the performance-based evaluation criteria, OSHA considered the training requirements in the powered industrial truck operator training standard at subpart O—*Motor Vehicles,* etc., § 1926.600, which incorporates the requirements of § 1910.178(l). That standard requires the employer to evaluate a powered industrial truck operator's performance as it relates to several topics at least once every three years. Powered industrial trucks share many of the same operating hazards as cranes, such as those related to ground conditions, load limits, and hazards in the area surrounding the equipment. But powered industrial trucks are generally far less complex, smaller, and less hazardous pieces of equipment in terms of the extent to which they expose other employees to their risks.

OSHA considered, but has preliminarily decided against specifying particular operator skills that the employer must evaluate because those skills could vary significantly based on the complexity of the equipment and work to be performed. Almost all employers OSHA spoke to said that when they observe operators handling loads at construction work sites they can tell whether the operators appear competent. At worksites, most employers are accustomed to assessing operator skills because having competent operators that can safely and productively handle loads quickly, smoothly, and without corrections, eliminates injuries and reduces costs.

[10] OSHA had included the ''deemed qualified'' language simply as a means of clarifying that an operator would be considered qualified to operate a crane of the same capacity or less than the one on which the operator was tested. The use of ''qualified'' instead of ''certified'' at that time was mean to reflect the varying paths to compliance with the standard: Certification through a third party or employer-audited program, or other qualification through a state or licensing program or meeting the requirements specified by the U.S. military. In this proposed rule, OSHA has simplified the language of the standard to refer to certification, so ''deemed certified'' now conveys the same meaning.

Operators who move the load too quickly or repeatedly make sharp, corrective steps may not have full control over the load at all times, which can lead to worker injuries and increased costs. But OSHA's analysis of the ACCSH public comments confirmed that it would be difficult to capture in a regulatory scheme all criteria necessary to determine an operator's ability to safely operate a type of crane for all possible conditions on a construction site.

For these reasons, the proposed rule retains the performance-based character of the existing evaluation requirements in § 1926.1427(k)(2)(i), but makes clear that the operator must possess the necessary skills, knowledge, and judgment to operate ''the equipment'' safely. The skills, knowledge, and judgment must be relevant to the actual crane or other covered equipment to be used. Employers must ensure that the operator demonstrates his or her knowledge of essential crane-related information and applies it to operate that crane safely. This information consists of facts and characteristics of equipment and operations, which can be learned in a classroom setting, and hands-on knowledge of equipment operation and hoisting techniques, learned at work sites. For example, the operator must not only know what each control does and where it is located, but also how and when to use particular controls or operational aids. Much of the subject matter on which the operators must be evaluated is specified in the testing criteria listed in paragraph (j), but it is critical to ensuring safety that the employer evaluation is equipment and task-specific. For example, an experienced and certified operator may have previously demonstrated the ability to lift a crate of materials onto a roof using one crane, but if the company gets a new crane that has different controls the employer would need to evaluate the operator's knowledge and skill at using the new controls in the new crane (note that the employer would not need to re-evaluate the operator's general knowledge about crane operations). If a less-experienced operator has already been evaluated for operation of a new model of crane, but has only used that equipment to hoist packaged materials, the employer would likely need to evaluate the operator's ability to control a wrecking ball attachment before allowing that operator to use the wrecking ball in a demolition project (note that the employer would not need to re-evaluate that operator's knowledge of the controls or general operation of the crane).

Stakeholders who spoke with OSHA said that most employers are already able to determine the subject matter and crane knowledge that their operators need to safely perform hoisting activities with their cranes. Although operator competency evaluations conducted by many employers may already exceed that of certification testing, compliance with this proposed provision would ensure that all operator evaluations cover subject matter that is specific to the equipment used and the construction activities performed. OSHA's proposed requirement for work-specific skills, knowledge, and judgment should help to encourage consistency throughout the industry in confirming the basic knowledge and operating skills of all operators in construction work. As explained in the Background section, certification tests conducted by accredited testing organizations are not designed to function as the evaluations required by this proposed section and the certification subject matter would most likely not cover all that is needed to assure safe crane operations on specific construction sites. For example, a certification test may examine a potential operator's knowledge of ground conditions suitable for a particular type of crane, but not examine whether an operator can assemble the specific type of crane that will be operated on those ground conditions.

Proposed (f)(1)(i) also requires employers to evaluate the operator's judgment. An equipment operator, as a designated competent person, must frequently make determinations regarding the safety of crane operation. The term ''judgment'' used in this proposed provision refers to not only an operator's ability to apply the knowledge and skill that he or she possess, but also an operator's ability to recognize risky or unusual conditions that call for additional action such as re-evaluating a lift plan, stopping work, or asking for the help of another competent and/or qualified person. The term ''judgment'' connotes the ''successfully demonstrated ability'' of a ''qualified person,'' as defined by OSHA's standards in § 1926.1401, ''to solve/resolve problems relating to the subject matter, the work, or the project'' and the capability of a ''competent person'' to identify ''existing and predictable hazards.''

OSHA solicits public comments about the decision not to provide more specific objective criteria for evaluation of crane operators. If specific criteria should be specified, what should be required for all operators that would cover the majority of crane operations but not be duplicative of the subject matter tested during the operator certification process? OSHA also, requests comments regarding whether ''judgment'' should be included as a quality of an operator that should be considered when employers evaluate operator competency. Is there a better concept or term that captures that aspect of an operator's ability to apply his or her knowledge and skills to make determinations related to the overall safety of crane operations?

Proposed subparagraph (f)(1)(i) also specifies that the operator's knowledge, skills, and judgment must be ''specific to the safety devices, operational aids, software, and the size and configuration of the equipment.'' This list of equipment characteristics, which stakeholders identified as critical for safe operation, is not comprehensive, but would provide employers guidance about some basic characteristics of equipment that might require different levels of knowledge and operating skills. For example, the employer must verify that the operator knows enough about how the safety devices, operational aides, and software work on a particular crane. The operator must be able to apply that knowledge to recognize when the particular characteristics of the equipment may contribute to potentially unsafe conditions or operations and use good judgment to determine how to safely proceed. Such a determination might include using operating skills to safely land or maintain a suspended load, or simply refusing to hoist the load until the safety issue is addressed.

OSHA is including equipment software in this list because many stakeholders noted that operators must have the skills to use a computerized operating system if the crane has one (Reports #2, 4, 18, 21 of ID–0673) and that specific operating systems (Reports #4, 9, 13, 18, 19, 21, 22, 24 of ID–0673) or cranes by different manufacturers (Reports #4, 6, 13, 16, 18, 21, 24 of ID–0673) can require different skills or knowledge. Indeed, newer cranes often have integrated computer systems to protect workers and the crane. Operators must understand how these systems prevent damage to the crane, especially if the crane can be operated with the system turned off. That is not the only issue with newer cranes that may require evaluation. One construction company that also provides crane operator training noted that the materials used to make some new cranes can be more ''brittle,'' meaning that they have reduced safety factors and allow for less room for error

(Report #21 of ID–0673). Exceeding these operating tolerances can lead to structural equipment failure such as a crane collapse or tipover, so evaluating operators to ensure that they understand how to avoid exceeding specified tolerances is critical.

OSHA is including boom length in the list of characteristics because longer booms may require specialized depth perception skills or may be harder to control (Reports #2, 3, 22 of ID–0673). OSHA notes that at least one certification testing organization uses different boom lengths as a proxy for changing the capacity of the crane because the boom length can have a significant impact on the performance of the crane (see OSHA–2007–0066–0521, p. 268–69).

The stakeholders OSHA interviewed also identified crane configurations (Reports #4, 6, 11, 18, 19, 20, 21, 22, 25 of ID–0673); the use of attachments (Reports #6, 18, 19, 20 of ID–0673); and the use specific safety devices and operational aids such as those listed in § 1926.1416 *Operational aids* (Report #21 of ID–0673) as important crane characteristics that can require unique skills, knowledge, or judgment. An operator's ability to handle the equipment's particular size and configuration, which include lifting capacity, boom length, attachments, use of a luffing jib, and counterweight set up is essential to crane safety at worksites. For example, one crane rental company employer noted that sorting cranes by capacity alone is challenging because configurations, such as whether the crane has a basic boom, a specialized boom for heavy lifts, or a luffing jib, affects the skills needed to run the crane (Report #6 of ID–0673). For these reasons, OSHA is including examples of crane configurations for employers to consider as factors for operator competency evaluations.

Although OSHA has preliminarily determined, for the reasons above, not to require certification by capacity, employers must consider crane lifting capacity as part of its evaluation of an operator's knowledge, skills, and judgment with respect to the size and configuration of the equipment. Most of the stakeholders who spoke with OSHA agreed that important differences in individual cranes go beyond the type of crane, and that different cranes will often require different skills or familiarity to operate, even if they are the same type (Reports #1, 2, 3, 4, 5, 6, 9, 11, 13, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26 of ID–0673). In particular, a number of stakeholder comments indicated that the same type of crane could have different safety-critical characteristics that vary according to a number of factors that can (but not always) correspond to a different ''capacity,'' including boom length, attachments, use of a luffing jib, and counterweight set up, as explained above. Equipment ''capacity'' accordingly could impact an operator's ability to safely control the load at a worksite because variations in capacity can significantly change operation of the crane. Thus, while employers need not have their operators certified by capacity under the proposal, they must account for differences in crane capacity when evaluating their operators.

Employers must consider still other differences with respect to operating the equipment. An operator who previously demonstrated competence in operating a small crane to hoist materials to and off of buildings being demolished does not necessarily have the knowledge and operating skills needed to safely swing a wrecking ball to demolish the same building. The physics of swinging a wrecking ball into a building, which can lead to equipment failure due to side loading or shock loading the boom, are different from smoothly controlling a load, which does not present these hazards. Similarly, an operator who has operated a crane in support of pile driving work, using pile driving attachments, does not necessarily have the skills necessary to smoothly control and place steel members suspended by multi-lift rigging or to safely control a suspended personnel platform.

Based on the information collected to date, it would be very difficult, if not impossible, to specify in regulatory text a definitive list of minimum equipment characteristics that an operator competency evaluation must cover to ensure operators are competent to safely operate equipment in all of its possible configurations. In addition, many public commenters at the 2015 ACCSH meeting explained that it would be very burdensome and costly for them to make available and set-up equipment to watch an employee safely operate the equipment for all possible crane configurations and worksite activities. Therefore, the proposed requirement enables employers to focus on the equipment used and the tasks to be performed, and allows employers some flexibility in determining which characteristics require separate evaluation. For example, once an employer has successfully evaluated an experienced operator using a hydraulic truck crane with a clamshell attachment to scoop dirt, the employer could conduct a very limited evaluation when the operator is to perform a similar task using a truck crane manufactured by a different company that has the controls in different places but is otherwise the same. The employer's evaluation could focus exclusively on the operator's familiarity with the controls in their different locations.

OSHA requests public comments on the decision to include, and the appropriateness of listing examples of, factors that can affect an operator's ability to safely operate a crane. Are there examples of other factors, safety devices, or configurations that should be included in the regulatory text or noted in the explanation of the rule? Instead of the examples provided in proposed § 1926.1427(f)(1), is there a definitive list of characteristics of equipment that should be minimally required for competency evaluations of all operators that would cover the majority of crane operations typically performed by operators?

Several stakeholders who spoke with OSHA recognized other skills that they believe are important to crane operator safety. These included mastery of set-up or building and dismantling the equipment (Reports #3, 4, 5, 15, 16, 17, 18 of ID–0673), rigging (Reports #2, 6, 15, 17, 18 of ID–0673), signaling (Reports #2, 6, 15, 14, 18 of ID–0673), inspections (Reports #5, 13, 15, 17 of ID–0673), and lift planning (Report #18 of ID–0673). Some employers also emphasized the importance of driving skills for mobile cranes (Reports #2, 3, 6, 9 of ID–0673). OSHA considered requiring the evaluation to cover these crane-related skills, but ultimately did not include them in the proposed requirements for several reasons. To some degree they are broadly applicable knowledge requirements that are not necessarily equipment-specific and are therefore already appropriately addressed as formal or classroom learning requirements for certification testing subject areas in paragraph (j) and non-mandatory Appendix C. In addition, there are requirements for ground conditions, assembly and disassembly, signaling, rigging, inspections, and power line work in other sections of subpart CC. Operators may not be assigned to perform these activities unless they are trained to safely perform activities in accordance with the applicable sections of subpart CC. Similarly, over the road driving is regulated by federal and state transportation authorities. OSHA requests comment on whether these crane-related activities should also be included in proposed paragraph (f)(1) as examples of activities that might need to be covered in the required evaluation of crane operators? Please provide your

rationale and any information or data you have to support your position.

Proposed subparagraph (f)(1)(ii) requires the employer to evaluate the operator's ability to perform hoisting activities required for assigned work, including, if applicable, special skills needed for activities like blind lifts, personnel hoisting, or lifts involving more than one crane. This list of activities is not exclusive, but rather provides examples of lifts for which an employer must evaluate the operator's ability. The words ''if applicable'' are used to indicate that employers must evaluate operators only for the types of lifts they will perform and not all possible variants of hoisting procedures.

As noted earlier, OSHA considered the training requirements of the powered industrial truck standard (§ 1910.178(l)) as a model when developing the evaluation requirements in this proposed standard. That standard requires that employers evaluate an operator's ability to perform job-specific tasks that include ''workplace-related topics,'' and refresher training when there are changes in a workplace condition that could affect safe operation of the truck (§ 1910.178(l)). Proposed paragraph (f)(1)(ii) similarly requires the evaluation of an operator to cover the workplace aspects of the operator's job, including the specific hoisting activities that he or she will perform.

Stakeholders who spoke with OSHA asserted that the performance of different types of work sometimes requires different skill sets. Many employers currently evaluate their operators based not only on their knowledge and skills regarding specific characteristics of the equipment, but also on their operators' ability to perform specific tasks with the equipment (Reports #1, 2, 3, 4, 6, 9, 10, 13, 15, 16, 18, 19, 20, 21, 22, 23, 26 of ID–0673). Several of those stakeholders noted specific examples of operational challenges that may require additional operator skills to ensure safe operations. One crane rental company stated that if an operator who spends a year on a large project with repetitive work is then moved to a different job that involves different lifts and set-ups every day, that individual may not be competent to do some of that kind of work (Report #6 of ID–0673). A residential construction employer stated that residential jobs can be especially challenging to crane operators because lifts must be performed on previously disturbed soil, which can cause the cranes to lose stability and may necessitate special preparations and operations under some worksite conditions. However, this employer also said that residential construction crane operators might not gain necessary experience performing blind lifts or lifting heavy/unstable loads that may be typical to operating a crane on commercial projects (Report #16 of ID–0673). A larger construction employer stated that it includes job-specific components in its evaluation of operators to ensure that operators have the ability to work on/around underground utilities and power lines (Report #18 of ID–0673). Finally, a crane operator training company noted that operators may require significant practice to develop the ability to control a dragline or performing operations with a clamshell or bucket attachment (Report #20 of ID–0673).

OSHA requests comment on all aspects of proposed paragraph (f)(1). Are the components for evaluating an operator's ability in subparagraphs (f)(1)(i) and (ii) sufficiently clear? Does this requirement afford the employer sufficient flexibility to evaluate operators in the course of day-to-day work? Why or why not? Please provide any information or data you have to support your position.

Proposed paragraph (f)(2) establishes minimum criteria for the person who performs the required evaluation of an operator-in-training. The evaluation must be conducted by an individual who possesses the knowledge, training, and experience necessary to assess operators. This standard affords some flexibility to employers. An evaluator could be, for example, a current or former operator who is also trained to assess equipment operators. The key, however, much like the criteria for the person performing training and evaluation of operators under the powered industrial truck operator training standard (§ 1910.178(1)(2)(iii)), is that the evaluator possess the requisite knowledge, training, and experience for assessing an operator's knowledge, skill, judgment, and ability. Such knowledge, training, and experience is not necessarily the same as the knowledge, training, and experience to perform the particular construction operations or processes oneself.

Stakeholders spoke with OSHA at site visits and meetings about how they comply with the existing duty described in § 1926.1427(k)(2)(i). Several of those companies specifically employ individuals to assess operators (Reports #18, 22 of ID–0673). A large construction company with a very robust and formal evaluation process has ''Authorized Examiners'' who perform evaluations of operator applicants for the company. These are personnel with significant experience and training, including completion of crane operator certification and rigger courses (Report #18 of ID–0673). In many other cases, the evaluations are performed by other personnel such as experienced riggers, maintenance personnel, signal personnel, or tradesmen who have the necessary experience or training to conduct this assessment (Reports #1, 2, 3, 6, 15, 16, 20, 23 of ID–0673). Day-to-day assessment of an operator's performance may be conducted by a qualified person who is often a manager or foreman that is at the job site. (Reports #1, 3, 6, 18 of ID–0673). A seasoned operator who has been designated by the employer to mentor an operator-in-training may also make determinations about when an operator-in-training is ready to perform certain tasks, and may weigh in on the evaluation or confirm that an individual is ready to operate without monitoring (see, *e.g.,* Report #2 of ID–0673).

Stakeholders who spoke with OSHA offered competing recommendations about whether OSHA should require evaluators to be certified as operators. Several employers who spoke with OSHA stated that an individual may have the ability to evaluate an operator without being a certified operator (Reports #1, 6, 18, 20, 26 of ID–0673). They indicated that evaluators may be safety managers or other senior employees with significant experience working around cranes, but who might not currently be certified (see, *e.g.,* Reports #1, 6, 18, 26 of ID–0673). Others may be specifically trained to evaluate operators. But at the May 2015 ACCSH meeting, several representatives from the crane industry asserted that evaluators should be certified (OSHA–2015–0002–0036).

Based on information obtained from the stakeholders, OSHA preliminarily concludes that it is not necessary to prohibit all non-operators or non-certified personnel from conducting evaluations of operators. OSHA prefers to maintain employer flexibility in choosing who may perform the required evaluation as long as those evaluators have, or develop, the requisite assessment knowledge and experience. OSHA notes that the national consensus standard for cranes (ASME B30.5–2014 Mobile and Locomotive Cranes, Chapter 5–3) does not require or recommend that evaluators of operators must be certified by third party testing entities; a ''designated'' person who qualifies operators must be a qualified person by experience and training but need not be certified (B30.5, section 5–3.1.2(e)). Similarly, existing § 1926.1427(f)(3)(ii)

requires that the trainer of an operator-in-training must have passed at least the written part of a certification test, but does not require the trainer to be an operator or be certified. Additionally, employers who spoke with OSHA and publicly commented at the May 2015 ACCSH meeting expressed the view that passing certification testing does not alone verify that an operator is competent to safely operate a crane at the worksite (see discussion in *Background* section). And passing the written portion of a certification test does alone not mean an individual has the ability to effectively evaluate the competency of an operator. But along with other crane-related experiences, passing the written portion of certification testing should be weighed as evidence that a person may have the crane knowledge necessary to evaluate crane operating competency.

OSHA requests public comments on whether the proposed criteria are appropriate and sufficiently clear for the person who must perform the required evaluation. For example, are there other criteria that the evaluator should satisfy? Should OSHA require that the evaluator be an operator, have been an operator, or at least pass the written portion of certification testing? Why or why not? OSHA is interested in public comments on whether an individual can effectively evaluate an operator without having previously operated the same or similar equipment.

The flexibility provided by the proposal should address the concerns that it might be difficult for very small employers to evaluate their own operators. (see Reports #17, 22 of ID–0673). Proposed paragraph (f)(2) would allow employers the flexibility to contract with a third-party agent to conduct evaluations if the employer does not maintain the expertise on staff, or to identify existing staff who may not have operator experience but are capable of conducting an evaluation. OSHA wants to allow employers to continue to use effective and safe solutions that they have already identified and are in use. For example, OSHA spoke with an employer that took steps to qualify its first operator without having an experienced mentor-operator on staff. This was accomplished by enrolling the operator-in-training in several classes, including a crane manufacturer's training and training with the local union, and then arranging for an experienced union operator to mentor the operator-in-training. Later, when the employer hired additional operators-in-training, the first operator, now experienced, was able to serve as the trainer and evaluator (Report #16 of ID–0673).

A sole proprietor OSHA spoke with followed a similar path when he first started operating cranes for a former employer, seeking out mentorship of an experienced operator before beginning to operate independently. When the company later hired other operators, this individual trained new operators and supervised them for at least a month before evaluating them (Report #23 of ID–0673).

OSHA requests public comments on employers' experiences evaluating operators who have been trained and made available through a third party, such as a labor organization or temporary staffing agency, and whether this business practice presents any challenges for such employers. In order for the evaluation requirement to be enforceable, OSHA must ensure that the evaluation duty always remains with the employer. OSHA therefore seeks comment on what additional conditions or restrictions, if any, should apply if a temporary staffing representative or a labor representative evaluates an operator on behalf of the employer. Besides the example of the temporary staffing agencies and labor organizations, are there other people or entities who are not employees of the operator's employer who might evaluate operators on behalf of an employer?

Proposed paragraph (f)(3) permits the employer to allow an operator to operate equipment other than the specific equipment on which the operator was evaluated, as long as the employer can demonstrate that the new equipment does not require substantially different skills, knowledge, or judgment to operate. An additional evaluation would be required before an operator would be allowed operate equipment that requires substantially different skills, knowledge, or judgment to operate.

OSHA believes this approach would address the concerns of some stakeholders about unnecessary competency evaluations while ensuring appropriate evaluations of operators. Many stakeholders warned that unnecessary competency evaluations could be very time consuming and burdensome without providing any real benefit. Many employers who spoke with OSHA during meetings and site visits explained, for example, that they assign operators to run the same crane every day, or to operate a crane from a specific group of the company's cranes that are all very similar (Reports #1, 2, 3, 6, 13, 16, 19 of ID–0673). Others said that they permit their operators to run similar cranes interchangeably (see Report #15 of ID–0673). As previously explained, OSHA does not intend to require the additional evaluation of operators when it is not necessary, such as when there are minor differences between equipment models of the same type that do not necessitate substantially different skills, knowledge, or judgment to operate the crane safely. Therefore, OSHA proposes evaluation requirements that would provide employers some flexibility when determining whether an additional evaluation is required.

This flexibility is necessarily cabined, however, by the employer's duty to ensure that its operator's skills, knowledge, and judgment are sufficient for safe operation of the jobsite. Some employers explained to OSHA that they often need operators to operate very different sizes and configurations of the type of equipment (or equipment of a different type) on which they evaluated the operator, to perform various tasks. (see Reports #2, 4, 6, and 22 of ID–0673). Even an experienced operator, when assigned to operate a different crane, may need time operating the equipment under supervision to become familiar with how to safely operate it. One owner/operator stated that when he used different cranes in the past, even if they were all boom trucks built by the same manufacturer, he found significant differences requiring a substantial amount of time familiarizing himself with the equipment before he had the skills, knowledge, and judgment necessary to safely operate that equipment (Report #23 of ID–0673). OSHA concludes that it is reasonable that the employer may need to conduct an additional evaluation of the operator before determining that the operator is competent to safely run a different piece of equipment alone (Reports #3, 6, 16, 22 of ID–0673).

OSHA does not expect that the evaluation requirement will be overly burdensome for employers, particularly with the flexibility provided in proposed paragraph (f)(3). One large construction company, for example, requires its operators to go through a formal evaluation for any different equipment that the operators are assigned to run, even if the operators have already demonstrated competency, through an evaluation, to operate other equipment (Report #11 of ID–0673). Another large national construction firm provides supplemental testing for different crane configurations (Report #18 of ID–0673). And one stakeholder at the March 2015 ACCSH meeting explained that it requires a ''seat check,'' an evaluation that may take a day or two, ''every time that operator goes to a new machine . . . [w]e want

to do the walk around inspection. We want to test him on what he's absorbed when we walked around . . . includ[ing] safety checks, prestart and post-start'' (see OSHA–2015–0002–0036, pg. 232–239).

Although OSHA heard concerns from several public commenters that OSHA would require that an operator must be evaluated on every crane that their companies might use, or in every possible configuration (see public comments OSHA–2015–0002–0036), OSHA has not proposed such a rule. Furthermore, these commenters appear to have mistakenly assumed that OSHA would require each evaluation to be in the form of a time-consuming formal test rather than a much simpler observation of the operator performing construction operations using the crane. The required supplemental re-evaluation of a previously evaluated operator can focus on the operator's abilities to handle the differences between the new equipment and the one previously assigned; it would not require a complete evaluation of all of the operator's skills, knowledge, and abilities. For example, an employer may evaluate an operator and determine that he or she has demonstrated the ability to safely operate a large, high capacity crane of a relatively complex configuration. If the employer determines that the operator has the skills, knowledge, and judgment necessary to safely operate a lower capacity crane of the same type and operating system, in a simpler configuration with a shorter boom, then the operator would not need to be re-evaluated (assuming that the tasks are similar). Conversely, although the size of the crane alone may not be a definitive reason to make such a determination (Reports #1, 2 of ID–0673), an employer would usually need to evaluate an operator before allowing the operation of a larger crane if the operator has only demonstrated competency on smaller crane of the same type.

OSHA requests comment on how employers currently handle re-evaluation of operators, to comply with existing § 1926.1427(k)(2), when the operator uses new equipment. Please provide OSHA with examples of equipment that commenters believe are sufficiently similar or not for the purposes of compliance with proposed paragraph (f), and what makes them similar or not and why. OSHA is also interested in obtaining examples of equipment or configurations that should require an additional, if limited, evaluation of the operator and why the additional evaluation would be needed.

OSHA is also interested in public comments regarding whether the performance-based language of proposed paragraph (f)(3) is sufficiently flexible. Is there a more effective provision that should be considered for this purpose?

Proposed paragraph (f)(4) requires the employer to document the evaluation of each operator and to ensure that the documentation is available at the worksite. This documentation requirement is similar to documentation requirements in other OSHA standards that require competency evaluations, such as OSHA's powered industrial truck operator training requirements (§ 1910.178). Such documentation would need to include: The operator's name, the evaluator's name, the date of the evaluation, and the make, model, and configuration of the equipment on which the operator was evaluated. But the documentation would not need to be in any particular format. Rather, employers would have the flexibility to capture this information using their own existing systems or create documentation that best meets the needs of their workplace. For example, employers could issue operator cards that include this information, keep records electronically in a database accessible at the worksite, develop logs for each piece of equipment, or use any other method that memorializes the mandatory information.

The documentation requirement is intended to ensure accountability and to direct the employer's attention to the critical aspects of operating the assigned equipment that must be considered during the evaluation. The documentation of the evaluation would record key baseline information that an employer could use to help make subsequent determinations about whether the operator is competent to operate particular equipment. It would also provide a quick reference for site supervisors, lift directors, and any employee, such as a hoist crew member, whose safety is affected by crane operations. And it could help prevent misunderstandings about, or mischaracterization of, an individual operator's established competency, as in the *Deep South* fatal incident. There, an operator was assigned to operate a crane of a type for which he was certified, but the controls and operations were substantially different from those with which he was familiar. Had the employer conducted an evaluation and documented it rather than relying on certification, this incident could have been prevented.

The Agency believes that information about operators is typically collected and available, even if it has not previously been maintained specifically for regulatory compliance. Many employers who spoke with OSHA during meetings and site visits explained that they maintain a log or record to track operator experiences, certifications, and performance evaluations. For example, at least two employers reported that they issue cards to evaluated and competent operators with information about those operators' qualifications. (Reports #11, 18 of ID–0673). Others use written records to track operators' performance, training, or other criteria. (Reports #1, 2, 3, 4 of ID–0673). And employers who own cranes and have long-term operators must provide lengthy and detailed operator information to their insurance providers.

Subcontractors, too, are accustomed to maintaining a written record of their operators' experience and evaluations. Employers reported to OSHA that, on multi-employer construction sites, subcontractors are often asked by general contractors, insurers, or other employers on the site to provide documented information about their operators, such as certifications and verifications of training and ''qualification'' for the cranes operated. One crane rental company noted that it keeps records for each operator, and that this kind of information is often requested or required by customers. (Report #6 of ID–0673). Another company told OSHA that it frequently provides written information about its operators to contractors, even when not requested. (Report #26 of ID–0673). A contractor that sometimes works with subcontractors' operators noted that it maintains an in-house database of those operators, site supervisors, and directors that it has encountered on projects, with evaluations and notes about their performance. (Report #22 of ID–0673). Another company that employs operators as subcontractors keeps records of near misses involving its subcontractors, as well as documentation of operators that the company feels may not be qualified to operate equipment. (Report #14 of ID–0673). Finally, OSHA notes that it is a common practice within the construction industry for operators to carry certification cards provided by the testing entities as proof of certification. This documentation may be useful in communicating operator competency for employers who must consider crane safety on multi-employer worksites.

As previously discussed, proposed paragraph (f) permits the employer to evaluate the operator on one crane and then make a determination that the

operator is also competent to safely run other equipment that requires the same level of skills, knowledge, and judgment. OSHA's proposal allows employers to document these determinations collectively. For example, if an employer with five cranes, possibly configured in slightly different ways, determines that an operator's evaluation on Crane #2 also demonstrates the operator's competency with respect to the other four cranes, the employer could use a single document to record the operator's competence to operate all five cranes. In fact, the documentation for the original evaluation could simply be amended to state that it is also applicable to equipment that does not require substantially different skills, knowledge, or judgment. However, when the operation of a crane requires a level of operating skills, knowledge, and judgment that is significantly different from the crane on which the operator was evaluated, a new evaluation must be documented. Varying the facts in the earlier example, if two of that employer's cranes include computer software to control safety devices and the three other cranes do not have such software but are otherwise similar, then an operator already evaluated on a crane without the software would need to be evaluated separately on the use of that software, with that evaluation also documented.

OSHA requests public comments on how, or if, employers currently document their evaluations of operators and how they use the documentation. Should OSHA require employers to document evaluations? Please explain why or why not. If not, how would other employers and employees know that an operator has been evaluated and demonstrated competency to his or her own employer on the equipment operated? OSHA is interested in public comments describing how employers currently track their operators to comply with the requirements of existing § 1926.1427(k)(2)(i).

Proposed paragraph (f)(5) requires the employer to re-evaluate an operator whenever the employer is required to retrain the operator under § 1926.1427(b)(5). Paragraph 1926.1427(b)(5) requires retraining if the operator's performance or an evaluation of the operator's knowledge indicate that retraining is necessary. OSHA is proposing this requirement to ensure that when an employer becomes aware that an operator is not competent in a necessary aspect of safe crane operation, the employer provides additional training to the operator and re-evaluates the operator. Re-evaluation is needed to ensure that the operator is competent in the area of the observed deficiency.

Triggers for retraining under paragraph (b)(5) and re-evaluation under proposed paragraph (f)(5) might include a wide variety of feedback, such as (but not limited to) information from an on-site supervisor or safety manager, contractor, or other person that the operator was operating equipment unsafely, OSHA citations, a crane near miss, or other incidents that indicate unsafe operation of the crane. The re-evaluation may target the skills, knowledge, or judgment deficiency that triggered the retraining. Re-evaluations would need to be conducted by a person who meets the requirements of paragraph (f)(2).

OSHA does not view this proposed re-evaluation as a significant departure from typical practices in the industry. As discussed previously, many stakeholders who spoke with OSHA at meetings and site visits emphasized that observation and re-evaluation take place on an ongoing, daily basis (see the *Background* and *Need for a rule* sections). For example, several stakeholders told OSHA that they would re-evaluate an operator if there was a crane near-miss or incident, or if they received negative feedback about that operator's performance from the controlling contractor or another party on a jobsite. (Reports #1, 2, 3, 18, 19, 22, 26 of ID–0673). Some employers conduct random worksite audits. (Reports #2, 3, 15, 18, 19 of ID–0673). One large construction company stated that it conducts over 100 safety audits of job sites each year to ensure operators are properly qualified. (Report #15 of ID–0673). Four companies that hire crane rental companies (crane rental with operators) noted that they raise any observed issues with the employer of the crane operator or the union from which the operator was selected. (Reports #12, 14, 15, 16 of ID–0673).

The requirements for re-evaluation are also in line with the powered industrial truck operator training standard, in which OSHA requires re-evaluation if there is reason to believe that the operator is operating unsafely, if there is a near-miss or other incident, if the nature of the work to be performed changes, or if other factors indicate a deficiency. (§ 1910.178(l)(4)).

OSHA requests comment about all aspects of proposed paragraph (f)(5). Is the need for re-training an appropriate trigger for re-evaluation, or are there triggers other than re-training that OSHA should consider? Also, should OSHA add additional specification regarding how in depth re-evaluations should be or whether there should be additional components of the re-evaluation? Should OSHA require re-evaluations to be documented in accordance with proposed paragraph (f)(4)? Why or why not?

As noted previously, OSHA also considered and presented to ACCSH two additional requirements for re-evaluation: An annual re-evaluation requirement and a re-evaluation for operators who have not operated the equipment in six months. OSHA received comments from several participants that such requirements would be too burdensome for employers and unnecessary due to the continuous or ongoing nature of evaluation by employers. But at least three entities reported that they re-evaluate operators periodically, even absent any evidence that re-training or re-evaluation is necessary. (Reports #11, 18, 19 of ID–0673). Another employer noted that it meets with each operator to review performance twice annually. (Report #1 of ID–0673). And a crane rental company told OSHA that if employees experience changes in health, vision, or other medical issue, they are monitored to ensure that their skills remain sharp and continue to be safe operators. (Report #2 of ID–0673). Moreover, both the powered industrial truck operator training standard at § 1910.178(l)(4) and the qualified electrical workers standard at § 1910.269(a)(2) require periodic re-evaluation. Section § 1910.178(l)(4) requires reevaluation every three years, while § 1910.269(a)(2) requires annual re-evaluation of electrical workers on tasks they did not perform in the past year. These requirements might help employers identify when operators need updated information on a variety of topics such as the equipment, operating procedures, and relevant regulations that were not available at the time of his or her last evaluation. But ACCSH recommended that OSHA not move forward with these requirements, and they are accordingly not in this proposal.

OSHA requests comment on whether more routine re-evaluation requirements, such as those in the powered industrial truck training and qualified electrical workers standards or any other periodic requirements, should be included in this standard. Why or why not? If a periodic re-evaluation is necessary, then how frequently should this review be conducted, and why?

OSHA considered several alternative approaches to the proposed provisions in proposed paragraph (f)—*Evaluation.* OSHA has summarized them in the following paragraphs. For the reasons detailed below, OSHA has preliminarily concluded that these alternatives would

not be as effective as the proposal in ensuring crane operator competency.

Approach 1—Remove the Phase-Out of the Employer Duty Without Providing Further Guidance or Criteria

OSHA considered simply proposing to remove the phase-out date for existing § 1926.1427(k)(2)(i), which requires employers to ensure the competence of their operators. That requirement differs little from the Agency's requirements for operator training or duties in § 1926.20(b)(4), which previously applied to equipment covered under former subpart N—*Cranes, Derricks, Hoists, Elevators, and Conveyors,* and permits ''employees qualified by training or experience to operate equipment.'' But OSHA replaced that general employer duty in 2010, in part because OSHA concluded that the measures being used to ensure operator competency were inconsistent between employers. C–DAC, too, had concluded that ''human error resulting from insufficient operator knowledge and capability is a significant cause of fatal crane/derrick accidents'' (73 FR 59810). In sum, OSHA believes that evaluations of operator competency are critical to safe crane operations (see earlier discussion) and that proposing a general requirement for this purpose, without providing additional criteria, would be inadequate.

Approach 2—Coalition for Crane Operator Safety's Language

OSHA also considered the ACCSH committee recommendation that OSHA adopt an operator competency requirement developed by a coalition of representatives from the crane industry. (ACCSH transcript OSHA–2015–0002–0036, and Exhibit 12, OSHA–2015–0002–0051). This approach would require employers to ensure that operators ''meet the definition of a qualified person'' before operating the equipment. As defined in the § 1926.1401 of the crane standard, ''qualified person'' means a person who has ''successfully demonstrated the ability to solve/resolve problems relating to the subject matter, the work, or the project,'' by ''possession of a recognized degree, certificate, or professional standing'' or through ''extensive knowledge, training and experience.'' The coalition also suggested language requiring employers to ''ensure that each operator is evaluated to confirm that he/she understands the information provided in the training.''

OSHA is concerned that this recommendation, like the general duty under § 1926.21(b)(4), fails to provide sufficient specifics to ensure operator competence. It does not provide employers with criteria that an operator must meet to be considered competent. Nor does it explicitly require the employer to take any specific step to ''qualify'' operators (*i.e.,* it can be argued that under the existing standard an evaluation is only triggered if the employer determines retraining to be required). Moreover, the ability to ''resolve problems,'' which is a key component in the definition of a ''qualified person'' only captures one aspect of what crane operation entails. And by relying on the definition of a ''qualified person,'' which can be met in some cases solely through ''possession of a . . . certificate,'' the whole point of having some additional assurance of operator competency beyond operator certification would be lost: An operator could still conceivably become both certified *and* a qualified person through the completion of a single certification test. For these reasons, OSHA believes that this proposed rule better establishes the employer's obligation to ensure crane operator competency.

Approach 3—Canadian Oversight System

OSHA also explored the practicality of modeling a crane operator evaluation process on that implemented in the provinces of Ontario and British Columbia, Canada. In those provinces, a quasi-governmental agency tracks the base level of certification and operating experiences of the operators in an internet database. The British Columbia system has at least three different levels of ''qualification,'' and employers are responsible for observing, evaluating, and ensuring the operators are competent to perform the work required at each level (ID–0672). OSHA concluded, however, that this level of oversight would be somewhat impractical on a national scale in the United States. The resources and expertise needed to develop and maintain a system that works for the entire regulated community, and to verify the information in such system, would be substantial. OSHA does not have the resources needed to accomplish these functions. However, even after providing certification for its operators, employers in Canada still have the obligation to ensure the competency of operators to safely perform assigned work, which is similar to the operator evaluation requirements of this proposed rule.

OSHA requests public comment on these alternative regulatory approaches. OSHA requests comment on how these alternatives would contribute to crane operator safety and whether they afford greater protection than proposed paragraph (f). Why or why not? Is there evidence to support one of these alternatives over the approach that OSHA is proposing? In addition, are there other approaches to employer evaluation of operators that OSHA should consider? Are there state or local government certification or licensing programs that would be more effective?

Paragraph (g) Reserved

This proposed paragraph is reserved because the current text at § 1926.1427(g) was moved to proposed paragraph § 1926.1427(c)(4). This provision was moved to improve clarity of certification program requirements.

Paragraph (h)—Language and Literacy Requirements

Existing paragraph § 1926.1427(h) allows operators to be certified in a language other than English, provided that the operator understands that language. Proposed paragraph (h) is nearly identical to existing paragraph (h) with one exception. The last sentence of paragraph (h)(2) has been reworded to clarify that an operator is permitted to operate equipment only when he or she is furnished materials that are necessary for safe operation of the equipment and required by subpart CC, such as operations manuals and load charts, in the language of the operator's certification. The reference to existing paragraph (b)(2) was not maintained in proposed (h)(2) because it is no longer needed.

Existing paragraph (h) allows ''tests'' in languages understood by the operator, and OSHA is not proposing to change that language. In proposed paragraph (h), ''tests'' would encompass both the certification test and the employer's evaluation of the operator. Either or both may be in any language understood by the operator. And the language of the operator's manual or other furnished materials required by the standard would only need to match the language of the certification. For example, it would be sufficient for an operator certified in Spanish to have a Spanish version of the operator's manual but be evaluated by the employer in English. The operator would not need to also have an English version of the operator's manual because the certification in Spanish would establish the operator's ability to use an operator's manual written in Spanish. OSHA seeks comment on this proposed interpretation of the language requirement for employer evaluations.

Paragraph (i)—[*Reserved*.]

Paragraph (j)—Certification Criteria

Proposed paragraph (j) specifies criteria that must be met by an accredited testing organization under proposed paragraph (d) and an audited employer program under proposed paragraph (e). The criteria specified by proposed paragraph (j) of this section are the same as those specified under existing § 1926.1427(j). However, the introductory regulatory text in current § 1926.1427(j) states that ''qualification and certifications'' must be based, at a minimum, on several criteria for the written and practical tests found in § 1926.1427(j)(1) and (2). Proposed paragraph (j) deletes the words ''qualification and'' because they are no longer necessary: Under the proposed rule, a certification issued by an audited employer program is intended to be equivalent to that of an accredited testing program for purposes of complying with OSHA's rule, and the proposal removes references to ''qualification'' from paragraph (e).

Paragraph (k)—Effective Date

There will not be any need for the phase-in requirements of current § 1926.1427(k) if OSHA adopts the permanent requirement for employer evaluations of operators as proposed. Thus, proposed paragraph (k) would be shortened to retain only the existing effective date of November 10, 2018. The rest of Subpart CC is already in effect, and the effective date of any final changes made to the standard would be established in the **Federal Register** notice for the final rule, which includes an effective date for the standard.

OSHA seeks comment on proposed revision to paragraph (k). Specifically, OSHA seeks comment on whether the effective date of the certification requirement should be delayed for an additional six months if the final rule is not issued until after July 2018. Please share your rationale for why an extension would or would not be appropriate.

Even if OSHA did extend the effective date of the certification requirement, the Agency would plan to implement as soon as possible the new requirement for employers to evaluate their operators, if it is part of the final rule. This provision adds clarity to the existing employer duty to assess operators, and there does not appear to be any reason to delay that clarity for the similar provision. Furthermore, employer assessment of operators is now a key part of the entire scheme of proposed § 1926.1427, so it would be difficult to implement the remaining changes to that paragraph while delaying the effective date of the employer assessment requirement. Nevertheless, OSHA seeks comment on whether the effective date of proposed paragraph § 1916.1427(f) should be separate from the effective date of the other proposed changes to the standard.

Section 1926.1430 (c) Operators

As noted earlier in this preamble, OSHA is proposing to amend only one paragraph of the training requirements in § 1926.1430: Paragraph (c). The primary purpose of this revision is to centralize the training requirements that are specific to operators in proposed paragraph § 1926.1427(b) of this section. But OSHA proposes to retain in § 1926.1430 the training requirements that are more broadly applicable.

Proposed paragraph § 1926.1430(c)(1) requires that the employer train operators of equipment covered by subpart CC in accordance with proposed § 1926.1427(a) and (b), which contain all of the requirements for training under the proposed rule. Operators of equipment exempted from the training requirements of § 1926.1427—derricks, sideboom cranes, and cranes with a rated hoisting/lifting capacity of 2,000 pounds or less—are addressed by proposed paragraph § 1926.1430(c)(2). Proposed (c)(2), which is substantively the same as current paragraph (c)(3), provides a general requirement to train operators on the safe operation of the equipment. Proposed paragraphs (c)(1) and (c)(2) of this section work together to specify training requirements and clarify that all operators must be trained, regardless of whether an operator must be licensed/certified by any entity (including the U.S. military) to operate equipment.

Existing paragraph § 1926.1430(c)(2), *Transitional Period,* is no longer needed because employees need to train all operators under this proposal. The requirements of existing § 1926.1427(c)(4) have been moved to proposed paragraph (c)(3) of this section.

Sections 1926.1436(q)—Derricks, 1926.1440(a)—Sideboom Cranes, and 1926.1441(a) Equipment With a Rated Hoisting/Lifting Capacity of 2,000 Pounds or Less

Proposed paragraph § 1926.1427(a)(2) would exempt employers from the training and certification requirements in that section for three types of equipment: Derricks, sideboom cranes, and equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less. It would not, however, exempt employers from the requirement in § 1926.1427(f) to evaluate potential operators to ensure that they have sufficient knowledge and skills to perform the assigned tasks with the assigned equipment, nor would it exempt employers using sideboom cranes from the existing broader duty in § 1926.1430(c)(3) (which would become proposed (c)(2)) to train their employees to operate those cranes safely (section § 1926.1436 and § 1926.1441 include separate training requirements for derricks and low-capacity equipment, respectively). Employers of operators of this equipment will be required to ensure that their operators are evaluated in accordance with proposed § 1926.1427(f) and trained in accordance with proposed §§ 1926.1430(c)(2), 1926.1436, and 1926.1441, as applicable.

Although these three types of equipment are exempt from all of § 1926.1427 in the existing crane standard as the result of specific exemptions in §§ 1926.1436, 1440, and 1441, OSHA proposes to narrow the exemptions so that the evaluation requirements of paragraph § 1926.1427(f) would also apply to these types of equipment. While C–DAC recommended those exemptions apply to certification/qualification requirements, there is no record that C–DAC or OSHA considered exempting operators of this equipment from employer evaluations. In fact, as noted earlier, a number of C–DAC participants later claimed they were surprised to discover that they had removed the general requirement for employers to ensure their operators' competency.

OSHA has preliminarily concluded that, although the certification requirements in § 1926.1427 may not have been flexible enough to be appropriate for these categories of equipment, the employer evaluation under proposed paragraph § 1926.1427(f) is a flexible requirement suitable for all of the equipment covered by subpart CC. Many of the hazards caused by an employer's failure to evaluate its operators for competency, such as equipment collapses and issues controlling the load, are generally the same for these three types of exempted equipment as they are for all other equipment covered by subpart CC. Further, an exemption from the evaluation requirement would be inconsistent with OSHA's treatment of operators of equipment covered by other rules. For example, OSHA's requirements for powered industrial trucks operator training at § 1910.178(l) include evaluation requirements similar to those in this proposed rule, notwithstanding that operation of

powered industrial trucks is less complex and of a lower capacity than most equipment covered by subpart CC.

OSHA therefore proposes to amend paragraphs §§ 1926.1436(q), 1926.1440(a), and 1926.1441(a) to require employers to evaluate operators of derricks in accordance with proposed § 1926.1427(f). Under the current crane standard, employers of operators of this equipment do not need to comply with § 1926.1427. This proposal keeps most of those exceptions, but would require compliance with proposed paragraph § 1926.1427(f).

OSHA solicits comments regarding whether evaluation requirements should be made applicable to similar provisions for operators of derricks, sideboom cranes, and equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less. OSHA requests comment on whether employers of operators of exempted equipment should continue to be exempted from operator competency requirements of § 1926.1427, or whether advancements in the availability of types of operator certification make certification appropriate for these types of equipment? Are there now crane certification opportunities that are appropriate for operators of these types of equipment?

IV. Agency Determinations

A. Legal Authority

The purpose of the OSH Act, 29 U.S.C. 651 *et seq.,* is ''to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.'' 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate and enforce occupational safety and health standards. 29 U.S.C. 654, 655(b), and 658. A safety or health standard ''requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.'' 29 U.S.C. 652(8). A safety standard is reasonably necessary or appropriate within the meaning of 29 U.S.C. 652(8) if:

- It substantially reduces a significant risk of material harm in the workplace;
- It is technologically and economically feasible;
- It uses the most cost-effective protective measures;
- It is consistent with, or is a justified departure from, prior Agency action;
- It is supported by substantial evidence; and
- It is better able to effectuate the purposes of the OSH Act than any relevant national consensus standard.

(*See United Auto Workers* v. *OSHA,* 37 F.3d 665, 668 (D.C. Cir. 1994) (*Lockout/Tagout II*).) In addition, safety standards must be highly protective. *See id.* at 669. A standard is technologically feasible if the protective measures it requires already exist, available technology can bring these measures into existence, or there is a reasonable expectation for developing the technology that can produce these measures. (See, *e.g., American Iron and Steel Inst.* v. *OSHA* (*Lead II*), 939 F.2d 975, 980 (D.C. Cir. 1991) (per curiam).) A standard is economically feasible when industry can absorb or pass on the costs of compliance without threatening an industry's long-term profitability or competitive structure. (See *American Textile Mfrs. Inst.* v. *Donovan,* 452 U.S. 490, 530n. 55 (1981); *Lead II,* 939 F.2d at 980.) A standard is cost effective if the protective measures it requires are the least costly of the available alternatives that achieve the same level of protection. (See, *e.g., Lockout/Tagout II,* 37 F.3d at 668.)

Section 6(b)(7) of the OSH Act authorizes OSHA to include among a standard's requirements labeling, monitoring, medical testing, and other information-gathering and information transmittal provisions. 29 U.S.C. 655(b)(7). Finally, the OSH Act requires that when promulgating a rule that differs substantially from a national consensus standard, OSHA must explain why the promulgated rule is a better method for effectuating the purposes of the Act. 29 U.S.C. 655(b)(8). OSHA explains deviations from relevant consensus standards elsewhere in this preamble.

B. Preliminary Economic Analysis and Regulatory Flexibility Analysis

When it issued the final crane rule in 2010, OSHA prepared a final economic analysis (FEA) as required by the Occupational Safety and Health Act of 1970 (OSH Act; 29 U.S.C. 651 *et seq.*) and Executive Orders 12866 (58 FR 51735 (Sept. 30, 1993)), and 13563 (76 FR 3821 (Jan. 21, 2011)). OSHA also published a Final Regulatory Flexibility Analysis as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). Both the FEA and Regulatory Flexibility Analysis are in Docket ID 422. On September 26, 2014, the Agency included a separate FEA when it published a final rule extending until November 10, 2017, both the deadline for all crane operators to become certified, and the employer duty to ensure operator competency (79 FR 57785.) OSHA has recently published another extension for an additional year, until November 10, 2018 (82 FR 51986), which closely tracks the 2014 analysis. For each rulemaking, OSHA published a preliminary economic analysis and received public comment on the analysis before publishing the final analysis.

The preliminary economic analysis (PEA) for this rulemaking relies on some of those earlier estimates, extensive Agency interviews with industry stakeholders, crane incident data, and other documents in the rulemaking record. For example, the 2017 FEA for the deadline extension rule included a cost analysis of the employer evaluation to ensure operator competency, so the cost estimates in this PEA are based on that analysis, which in turn is drawn from the 2014 FEA. The current economic analysis estimates new costs only for elements that have not previously been analyzed in either the 2010 final rule or accounted for in the deadline extensions. These are:

- Additional evaluations to ensure operator competency when there are changes not just in the type of crane (accounted for in the 2017 FEA) but also changes that would require new skills, knowledge, or judgment necessary to operate the equipment safely, including those specific to the use of equipment or its safety devices, operational aids, software, or the size or configuration of the equipment.
- The permanent status of the employer duty to assess competency. While the cost of employer's duty to assess operator competency was estimated in the 2017 rule, the duty to assess was assumed to phase out after the deadline had passed. The proposed rule would make this duty permanent, so these costs are included in this PEA.
- Documentation by employers. This proposed rule requires employers to now document the successful completion of operator evaluations.
- Additional training required beyond the training required for certification.

Certain costs, such as initial cost of operator certification and recertification every five years, are not re-analyzed in this PEA because they would be unchanged by this rulemaking. This new rule makes no changes that would impact the costs of certification by type of crane; OSHA is simply allowing the existing operator certification deadline to be instituted as planned. The employer evaluation, which under the 2010 final crane rule (and the 2014 and 2017 extensions) was set to be phased out when certification took effect, would remain in effect and is therefore a cost of this proposed rule. The unit costs of the employer evaluations were analyzed in the final rule of the deadline extension FEA, and the

Agency relies on that analysis in calculating the ongoing evaluation costs in this PEA.

The rule's cost savings are associated with withdrawing the requirement that crane operator certification be both for type and capacity of crane in favor of a requirement that certification be required only for type of crane.

This rule results in cost savings. At a discount rate of 3 percent, this rule has annualized net cost savings of $1,827,513. At a discount rate of 7 percent, this rule has annualized net cost savings of $2,468,595. For either discount rate, this rule is not economically significant within the meaning of Executive Order 12866, or a major rule under the Unfunded Mandates Reform Act or Section 804 of Congressional Review Act (5 U.S.C. 804). In addition, this rule complies with Executive Order 13563.

For this PEA, OSHA included an overhead rate when estimating the marginal of labor in its primary cost calculation. Overhead costs are indirect expenses that cannot be tied to producing a specific product or service. Common examples include rent, utilities, and office equipment. Unfortunately, there is no general consensus on the cost elements that fit this definition, and the lack of a common definition has led to a wide range of overhead estimates. Consequently, the treatment of overhead costs needs to be case-specific. OSHA adopted an overhead rate of 17 percent of base wages.[11] This is consistent with the overhead rate used for sensitivity analyses in the 2017 Improved Tracking FEA and the FEA in support of OSHA's 2016 final standard on Occupational Exposure to Respirable Crystalline Silica. For example, to calculate the total labor cost for a crane and tower operator (SOC: 53–7021), three components are added together: base wage ($26.58) + fringe benefits ($11.50, slightly more than 43% of $26.58) + applicable overhead costs ($4.52, 17% of $26.58). This increases the labor cost of the fully-loaded wage for a crane operator to $42.60.

[11] The methodology was modeled after an approach used by the Environmental Protection Agency. More information on this approach can be found at: U.S. Environmental Protection Agency, ''Wage Rates for Economic Analyses of the Toxics Release Inventory Program,'' June 10, 2002. This analysis itself was based on a survey of several large chemical manufacturing plants: Heiden Associates, *Final Report: A Study of Industry Compliance Costs Under the Final Comprehensive Assessment Information Rule,* Prepared for the Chemical Manufacturers Association, December 14, 1989.

a. Evaluation Costs

As noted in the preamble explanation of this proposed rule, OSHA has received feedback during stakeholder meetings, site visits, and interviews that, for a small percentage of employers, the proposed rule may increase the number of operator evaluations they will conduct. The increase would result if employers need to conduct additional equipment-specific or task-specific evaluations.

To estimate the costs for the new evaluations the Agency has taken the following steps. First it estimated the number of new evaluations required by the proposed rule. Then it estimated the unit costs for each evaluation. Finally, the Agency multiplied the number of evaluations times the unit cost to get the total costs of the proposed rule due to new evaluation.

OSHA began its estimate of the number of evaluations by looking to its former rulemakings. In the 2017 deadline extension economic analysis, OSHA estimated the total number of evaluations needed each year to be 30,981 evaluations (26,940 successful initial evaluations as well as 4,041 (15 percent of 26,940) for operators who have to be re-assessed (82 FR 51993)). In that analysis, OSHA estimated employers' evaluations due to turnover of crane operators between employers, operators changing the type of equipment operated for the same employer, and evaluations of operators new to the occupation. OSHA used the same estimate of total number of evaluations in the original 2010 crane rule.

OSHA determined, after conducting extensive interviews with crane industry stakeholders for this rule, that it had overestimated the number of likely evaluations in these former rulemakings, because OSHA had assumed that, in the absence of the rule, no employer would conduct evaluations. In fact, stakeholders report that almost all employers conduct evaluations of new employees. The Agency has therefore decided to assume for costing purposes that 50 percent of employers conduct such evaluations and as a result 15,490 annual evaluations will be added to the cost analysis for this rule. The Agency believes that even this estimate will overestimate costs given that most employers conduct such evaluations. OSHA requests comment on the number of evaluations that will be conducted as a result of this proposed rule.

OSHA is, however, estimating a small increase in evaluation costs from the additional specificity in this proposed rule about when evaluations are required and what an employer must evaluate. Specifically, proposed § 1427(b) requires evaluation as necessary to ensure that the operator maintains the ''skills, knowledge, and judgment necessary to operate the equipment safely'' and to perform assigned tasks, including specialty lifts such as blind lifts or multi-crane lifts.

The stakeholder meetings and extensive OSHA interviews indicate that this new language would not require many employers to change their existing operator evaluation practices. Even before its 2010 rulemaking, OSHA required employers engaged in construction to ensure that their operators were capable of operating their equipment safely (§ 1926.550 and § 1926.20(b)(4) prior to promulgation of the crane standard on November 10, 2010), so for most employers the proposal would simply be a requirement to continue their existing evaluation practices. None of the stakeholders OSHA met with expressed any concerns about their ability to comply with those requirements. Additionally, major changes in type or capacity of cranes appear relatively rare. Based on this, the Agency preliminarily estimates that this proposed rule will add 15 percent more evaluations, or 2,324 (15% × 15,490), as a small percentage of employers increase their evaluations of operators who are switching equipment or performing more difficult tasks. This represents a very small percentage of the total costs of evaluations. The Agency invites comment on this estimate.

The second element needed is the unit costs for these evaluations. OSHA's unit cost estimates for evaluations take into account the time needed for the evaluation, along with the wages of both the operator and the specialized operator evaluator who will perform the evaluation. In its 2017 FEA, OSHA estimated that an initial evaluation of an experienced operator with a compliant certification would take, on average, one hour (82 FR 51992). The new evaluations are all for previously evaluated, experienced operators who are adding a new skill or new knowledge to an existing skill set, not an initial evaluation for a brand new operator or an experienced employee new to the firm. Thus, in many cases any evaluation time will be minimal. The Agency estimates 25 percent of a standard evaluation for a compliant certified operator of one hour, or 15 minutes (0.25 of an hour). OSHA welcomes any comments or additional information available on the time to complete these evaluations.

The wage of the evaluator is estimated to be the same as the wage of occupation First-Line Supervisors of Transportation and Material-Moving Machine and Vehicle Operators (SOC: 53–1031 from the BLS 2016 OES dataset) of $46.08 in 2016 dollars including a markup for fringe benefits and overhead.[12] [13] The operator's time is valued at the wage plus fringe benefits of occupation Crane and Tower Operators (SOC: 53–7021) plus overhead, at $42.06. Hence the combined hourly cost for an evaluation or a training episode is $88.68 ($42.60 + $46.08). With a 15 minute (quarter of an hour) evaluation period, the cost per evaluation is $22.17 ($88.68 × 0.25).

The total cost for the new evaluations is therefore the product of multiplying that unit cost by the total number of evaluations: $22.17 × 2,324 new evaluations = $51,511.

In addition to the cost for these new evaluations, OSHA is also including the ongoing cost for the initial evaluations which it had estimated previously in the 2017 FEA. These evaluations will continue to be necessary because of turnover of crane operators between employers, operators changing the type of equipment operated for the same employer, and evaluations of operators new to the occupation. The total cost for these evaluations in this PEA is lower than the total evaluation cost estimated in the 2017 FEA. This is because the evaluations cost in the 2017 FEA was for an operator population that was a mix of operators with a compliant certification (certified by both the type and capacity of crane), non-compliant certification (by type but not capacity), and those with no certification. The time for evaluation, and hence its cost, was linked to operator certification status and varied for these three types with the least time (one hour) for an evaluation of an operator with a compliant certification. The proposed rule would remove the existing requirement for certification by capacity, meaning there would be no operators in the previously estimated ''non-compliant certification'' group. This means that all operators would receive evaluations for operators with a compliant certification and hence will have the same unit cost for a one-hour evaluation of $88.68. Multiplying that unit cost by the 30,981 initial evaluations estimated in the 2017 FEA, the total annual cost for these ongoing initial evaluations is $1,373,622 ($88.68 × 15,490).

The total annual cost for evaluations is therefore $1,425,133, which is the sum of the $1,373,622 in initial evaluations and the $51,511 for new evaluations. OSHA welcomes any comments on, or any available data that could help the Agency refine these estimates.

b. Employer Evaluation Documentation Costs

The proposed rule adds a new documentation requirement for a successful evaluation. OSHA estimated the annual evaluation documentation costs using the following three steps: It estimated unit costs of meeting this requirement; estimated the total number of cases of documentation that employers will need to perform in any given year; and multiplied unit costs of documentation by the number of cases to determine the annual costs.

This proposal would require the employer to document information about the equipment and include the evaluator's signature, so the Agency estimates the evaluator will complete all recordkeeping. OSHA's unit cost estimates for evaluation documentation takes into account the time needed and the wage of the employee who does so. The time needed for creating and filing the needed information is estimated to be 5 minutes of the evaluator's time. As above, the wage of the evaluator is estimated to be $46.08. Hence, the cost of documenting a successful evaluation is $3.84 ((5/60) × $46.08).

There will also be the need in the first year to document previous evaluations that the employer had not documented. The Agency estimates that the number of evaluations needing such documentation is 15 percent of the number of operators, or 17,570 (0.15 × 117,130). This total extra first year cost is $67,462 ($3.84 × 17,570). Annualized over 10 years at a 3 percent discount rate gives an annualized cost of $7,909. At a discount rate of 7 percent, this annualized cost is $9,605. OSHA solicits comment on these estimates and how many previous evaluations do not now have the documentation required by this proposed rule.

From above, OSHA estimates that ongoing each year there will be 13,470 successful initial evaluations that will need documentation. Then, additionally, there will be documentation of previous successful evaluations due to the proposed rule. There are a total of 2,324 new evaluations, of which 2,020 (2,324/1.15) will be successful. Hence the total number of documented evaluations is 15,490 (13,470 + 2,020). OSHA therefore estimates the total annual documentation cost, absent the first year extra documentation costs, to be $59,479 ($3.84 per evaluation × 15,490 evaluations).

c. Employer Costs for Operator Training

The proposed rule clarifies the operator training requirements. As explained in the 2010, 2014, and 2017 rulemakings, employers were already required to train their operators prior to the 2010 rule, and OSHA did not estimate additional training costs other than costs of optional certification preparation training classes in its recent rulemakings. (see, *e.g.,* 75 FR 48097). The proposed rule clarifies that the training already required under the existing rule continues to be required even after an operator is certified, including training necessary when an operator requires new knowledge or skills because of a change in equipment or tasks. Although OSHA's site visits and interviews indicated that most firms are already providing the required training, including the additional training necessary to ensure that certified operators have the additional skills and knowledge to operate new equipment or perform new tasks, OSHA has calculated costs for additional trainings that may occur as a result of this clarification.

OSHA's calculation of the cost of these additional trainings requires several steps. First, OSHA estimated the average annual number of equipment-specific or task-specific trainings as a percentage of the new evaluations required by the rule, as estimated earlier. OSHA expects the number of trainings to be a subset of the number of evaluations because in many cases the operator will already possess the required skills necessary for a new piece of equipment or a new task and be able to demonstrate competency after only a cursory explanation of the differences. For example, an experienced operator conducting a blind lift for the first time may have sufficient mastery of the equipment such that she could pass an evaluation after only a very brief discussion of the signals to be used. The Agency judged that 50% of these additional evaluations, or 1,162 evaluations (50 percent of the 2,324 new evaluations), would also require

[12] The fringe markup is 1.43, derived from the BLS Employer Costs for Employee Compensation, Private Industry Total benefits for Construction industries 4th quarter 2016.

[13] Throughout this chapter, OSHA presents cost formulas in the text, usually in parentheses, to help explain the derivation of cost estimates for individual provisions. Because the values used in the formulas shown in the text are shown only to the second decimal place, while the actual spreadsheet formulas used to create final costs are not limited to two decimal places, the calculation using the presented formula will sometimes differ slightly from the presented total in the text, which is the actual and mathematically correct total as shown in the tables.

trainings. OSHA welcomes comments on these estimates.

The second step is to identify an average amount of time that each training will take. Some trainings are likely to require detailed instructions about operating particular equipment and discussions of protocol prior to a lift. Other trainings might involve a very short period of instruction, such as to familiarize an experienced operator with the setup of a standard controls in a different crane of the same type. While OSHA lacks data about the frequency of these different types of trainings, it estimates that the average time for each training is one hour. For context, this is the same amount of time that OSHA previously estimated for an inexperienced operator to take the practical portion of the standard crane operator test. The Agency solicits comment on this training estimate.

OSHA expects two employees to be occupied during this hour of training: the equipment operator and the trainer. Using the same wage estimates as above, the hourly wage for the operator would be $42.60 and a supervisor's hourly wage of $46.08 for the trainer. However, not all of the training time will result in a loss of productivity to the employer. OSHA's site visits and interviews indicate that it is common for operators to spend at least some of the training time operating the crane under the instruction of the trainer, performing tasks that actually are useful for the employer. While all of the trainer's time is an opportunity cost for the employer, at least part of the operator's time results in productivity for the employer. OSHA estimates that, on average, 75 percent of the operator's training time (45 minutes of the hour) would consist of pure instruction or other activities that would not be productive for the employer. Based on the estimated one hour for each training, the unit cost for each training is therefore the supervisor's wage for one hour ($46.08) plus $31.95 in operator's wages for the 45 minutes of non-productive time ($31.95 is three quarters of the operator's hourly wage of $42.60): $78.03 per training. Thus, the total cost of the training industry-wide would be $90,649 ($78.03 × 1,162). OSHA requests comments on this estimate and its components.

d. Cost Savings of Avoiding Additional Certifications

The proposed rule drops the ''capacity'' requirement for crane certification, leaving only certification by crane type as the obligation of the crane standard. Absent this proposal, all crane operators who are currently certified only by crane type would need to obtain certification both by type and capacity. To calculate the cost-savings of additional certifications that would be avoided by the proposed rule, OSHA estimates the number of crane operators not yet in compliance with the type-and-capacity certification requirement and multiples that estimate by the estimated cost of obtaining such certification.

Based on OSHA's previous rulemakings, OSHA estimates that 71,700 crane operators do not yet possess a type-and-capacity certification. (82 FR 51993). Although the 2014 FEA estimated a gradual decline over time of the number of such operators (an estimate of 61,474 in 2016, see Table 1, 79 FR 57796), the 2017 extension estimated that the 71,700 operators were not yet in compliance and would not be for much of 2017 and 2018 leading up to the new 2018 deadline. (see Table 1, 82 FR 51995). In this PEA, the Agency accordingly estimates the number of operators certified by crane type only will remain at 71,700 each year. OSHA has adopted this approach because 71,700 is the last hard data point the Agency has, and certification has gradually spread as a requirement in the crane operator job market. It is quite possible the number of operators possessing a type, but not type-and-capacity certification, is actually higher today: the largest certification school gives a certificate which is by type only. The Agency requests comment and further data on this issue.

OSHA also looked to the 2017 deadline extension rule to estimate the unit cost of a type and capacity certificate. There, the Agency estimated that such a test would take 2.5 hours and require a $250 fixed testing fee (82 FR 51994). At the hourly crane operator wage noted above ($42.06), the total cost for a compliant certification is $356.50 ($250 + (2.5 × $42.06)). If 71,700 crane operators needed to take the test the cost would be $25,560,840 (71,700 × $356.50). Because this rule would remove the requirement for additional certifications by capacity, that amount becomes a cost saving.

This, of course, is a one-time cost savings, while costs of continued evaluations and most of the other cost elements of the rule are ongoing. Using the Agency's standard 10 year horizon, the result is an annualized cost savings of $2,996,510 at a discount rate of 3 percent, and an annualized cost savings of $3,639,289 at a discount rate of 7 percent.

The Agency estimates there will also be ongoing cost savings due to a number of certifications that would only be needed for a change in capacity and hence no longer will be incurred. More than half of certified crane operators have been certified by a certifying body (including state and local governments) that does not issue certificates by capacity, which indicates that many of these operators may not need multiple capacity certifications. OSHA conservatively estimates the value of this cost savings by taking 50 percent of the 2,324 additional evaluations, or 1,162 (0.50 × 2,324) as an additional number of annual certifications required solely due to changes in capacity. The unit cost for this certification follows previous analysis in assigning a $250 flat fee for the certificate, as well as 1.5 hours of the operator's time for the written exam and 1 hour for the practical exam. This gives a unit cost of $356.50 ($250 + (2.5 × $42.60)). Finally, the total annual cost savings for these avoided certifications is $414,172 (1,162 × $356.50). Hence, along with the one-time cost savings due to omitted certifications, the total cost savings for these two elements are $3,410,683 ($2,996,510 + $414,172) at 3%, and total cost savings for these two elements of $4,053,461 ($3,639,289 + $414,172) at 7%.

OSHA requests comment on this cost savings and its component estimates, including the estimate of the total number of operators who might still require multiple certificates if OSHA removes the requirement for certification by capacity as proposed.

e. Total Cost of the Proposed Rule

The total annual cost of the proposed rule comprises the cost items identified above: Evaluations (those previously calculated with offsets from the proposed removal of the requirements to certify by capacity, as well as the additional evaluation costs to account for new skills and tasks), documentation of the evaluations (including the one-time first year evaluation documentation for old operators without such documentation), and training costs. The cost savings is due to averting the need for all operators who currently have a type only certification to obtain a type-and-capacity certification. Since the last item is relatively large primarily occurs in the first year while the other costs are ongoing, the discount rate and discount horizon have a significant impact on the final total cost. At a discount rate of 3 percent the sum of those parts is a cost savings of $1,827,513 ($1,373,622 + $51,511+ $59,479 + $90,649 + $7,909—$2,996,510 − $414,172). For a discount rate of 7 percent there is a cost savings

of $2,468,595 ($1,373,622 + $51,511 + $59,479 + $90,649 + $9,605 − $3,639,289 − $414,172).

f. Economic and Technological Feasibility

The Agency has preliminarily determined that the proposal is technologically feasible because many employers already comply with all the provisions of the proposed rule and the rule would not require any new technology. The largest cost element of this proposed rule is a new evaluation with associated training of $78.03 per training, which should be a small expense for the businesses covered under this proposal. The vast majority of employers already invest the resources necessary to comply with the provisions of the proposed standard. Hence the Agency preliminarily concludes that the proposed standard is economically feasible.

g. Certification of No Significant Economic Impact on a Substantial Number of Small Entities

The largest cost element of this proposed rule is a new evaluation with associated training of $78.03 per training. Small businesses will, by definition, have few operators, and the $88.68 cost for each operator evaluation with training will not be a significant impact for even the smallest businesses. Hence, OSHA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

h. Benefits

OSHA's 2010 Cranes and Derricks in Construction standard included an extensive analysis of the benefits attributed to preventing crane-related fatalities and serious injuries. In that analysis, OSHA relied on IMIS injury data made available in 2008 (see 75 FR 48093), finding that the standard would prevent 175 injuries and 22 fatalities per year for a total annual benefit of $209.3 million (75 FR 48079–48080).

As noted in the sections on ''Background'' and ''Need for a Rule,'' OSHA received significant feedback from stakeholders following the 2010 final rule indicating that the standard, to be fully effective, would need to preserve the employer duty to evaluate operators separately from the general operator certification requirement. The certifications are intended to address basic operator knowledge and skills, but do not assess operators' familiarity with the actual equipment they will operate or the specific tasks they will perform. The proposed amendments to the standard would make that employer duty permanent and add specificity, thereby ensuring that the full benefits of the standard would be realized.

The safety benefit of the rule is the prevention of injuries or fatalities resulting when operators certified to operate the type of crane assigned still lack the knowledge or skill to operate that crane for the assigned task. As noted earlier, there are many variables in equipment and controls between different models of the same type of crane, and there are many crane operations that require additional knowledge and skill beyond that demonstrated during certification (*e.g.,* swinging a ''headache ball'' instead of lifting a load, performing a blind lift, participating in a multi-crane lift, etc.). Certification does not address these variables or provide assurance that the operators are qualified to operate the equipment for the task assigned, so without these amendments operators could be permitted to perform equipment operations after November 2018 that they are not qualified to operate safely. OSHA has already determined that there is a significant risk of injury when operators are allowed to operate heavy machinery that they are not qualified to operate.

The 2010 crane rule estimated annual net benefits at $55.2 million in 2010 dollars (75 FR 47914). Since there are cost savings for this NPRM, net benefits of the joint 2010 final rule and this NPRM are vastly greater than zero.

While this proposed rule would attempt to realize the full benefits already identified in 2010 for the standard, and OSHA need not parse the benefits of each provision of the standard separately, OSHA recognizes that the proposal is also likely to generate additional benefits from the more specific requirement for employers to evaluate operators on specific equipment for specific tasks. To explore this, OSHA conducted further analysis of more recent IMIS incident reports in an effort to illustrate the new benefits of the proposed evaluation requirements beyond the benefits that would be achieved through the existing standard with operator certification alone.

OSHA looked at IMIS accident reports for 2009–2013, years subsequent to the data used for the FEA for the 2010 rulemaking. All accidents with any of the search terms ''boom,'' ''crane,'' or ''pile driver'' in either the event description or in the abstract were examined, the same keywords as used in the analysis for the 2010 final rule. OSHA identified incidents where there was an express mention in the IMIS description that the crane operator was unfamiliar with the specific crane equipment used during the incident, or with the specific task. Using this methodology, the Agency has been able to identify three fatalities that may have been prevented if the proposed evaluation requirement had been in place at the time. It is true that there was a general duty to ensure operator competency at the time of these incidents. (See §§ 1926.20(b)(4) and 1427(k)(2)). But, as explained above, the existing employer duty is stated very generally and employers might believe that a preliminary general examination of the operator could satisfy the requirement, without accounting for evaluation of the operator's ability to operate different models of the same type or perform new tasks.

OSHA believes that the proposed rule, which makes the evaluation duty permanent and includes more detailed evaluation documentation requirements, would make it more likely an employer conducts the appropriate type of evaluation and therefore more likely that such incidents would be avoided in the future. By specifying the elements to be evaluated, OSHA expects the evaluations to be more effective at preventing injuries by identifying operator limitations in a timely manner. For example, the employer might have believed it was complying with the existing general employer duty if it evaluated an operator and found that the operator was qualified to operate a particular crane to lift pallets of material, even though the employer did not perform any additional evaluation before assigning the operator to a lift that required additional skills, such as a blind lift or lifting poles instead of pallets. As indicated by the second IMIS example below, there is greater risk of injury if the operator is not qualified to perform the new task. OSHA also expects the documentation requirement to assist employers in complying with the different evaluation elements of the standard. And OSHA expects that the documentation requirement will facilitate communication between supervisors and operators and help avoid assignment of an operator to equipment or tasks for which he or she is not qualified, thereby reducing the risk of injury from unqualified operation.

The IMIS summaries are not particularly detailed or uniform, so many more of these incidents may also have involved similar operator failures that were not explicitly detailed in the IMIS summary. But the complete IMIS abstract of each fatal incident follows.

Case One: Operator not competent to use specific equipment:

At approximately 2:50 p.m. on June 16, 2009, an employee was walking toward a seawall the company was reconstructing when a section of the boom failed and fell on him. The employee was killed. The crane had been built in 1964, and was bought by Ray Qualmann Marine Construction, Inc. on April 29, 2008. The company never performed an annual inspection of the crane or a monthly one, and documentation was not available to indicate any maintenance had been done to the crane. The only documentation available for the crane was an inspection report dated June 10 2009, made by a crane operator who worked for the company, which failed to identify that the crane did not have a boom angle indicator, that several lacings were bent on it, and that the angles and spacing of the repaired lacings were uneven. In addition, neither the crane operator who operated the crane on the day of the accident, nor the foreman, had ever seen the operator's and maintenance manual for the crane involved in the accident. The crane operator was not familiar with the controls of the crane. The operator did not know the weight of the load, and did not know the length of the boom. The crane was overloaded when the accident occurred.

The general manager of Ray Qualmann Marine Construction claimed that the operator had extensive crane experience and had worked for the company for more than 20 years. OSHA concluded in its investigation, however, that the company allowed the operator use of the Link-Belt LS–58 crane with no training for this equipment. The abstract indicates that the lack of familiarity with the specific equipment used contributed to the fatality. An evaluation of the operator's competency on the specific equipment, rather than the general skills and knowledge tested as part of the third-party certification process, would have been more likely to identify the problem in this case and avoid the resulting fatality.

Case Two: Operator not competent to perform specific task:

On November 17, 2009, employees with Moreau's Material Yard were driving pilings for an oil rig foundation in which a 4,000 lb hammer, attached to the top of the lead, was used to drive 70 to 75 ft poles into the ground. Employee #1 was working on a crawler crane platform approximately 20 to 25 ft above the ground. He was wearing a harness with a lanyard connected to a ladder rung. When the crane tipped over, Employee #1 attempted to jump from the platform to the ground below. He was struck by the crane and killed. The crane operator sustained minor injuries. Other employees indicated that the employer had never lifted poles of that size and the crane boom may have been used at an improper angle for the load being carried.

It is clear from the IMIS report that the operator was familiar with crane equipment but had never lifted poles of that size. While all of the details of the task are not included in the abstract, the note about the different pole size and the operator's use of an improper boom angle suggest that the activity was significantly different from previous activities such that it would have required different knowledge or skills. This incident and resulting injuries might have been prevented if the employer took the time to evaluate the operator for the specific task assigned.

Case Three: Operator inadequately trained:

On June 23, 2011, Employee #1, an ironworker, was installing a structural steel bracing and painting structural steel beams in the ceiling of a manufacturing plant addition. Employee #1 was working alone from a boom-supported aerial work platform that was borrowed from another employer. At approximately 11:15 a.m., an electrician walked into the area and found the aerial work platform elevated with Employee #1 slumped over the controls. Employee #1 was crushed between the work platform and one of the ceiling beams. Other tradesmen at the worksite used the ground controls to lower Employee #1 to the floor. Employee #1 died from the injuries. Employee #1 had been trained in operating a boom-supported aerial work platform by his employer, but was not trained in the differences between those aerial work platforms that were owned by the employer and the borrowed lift being used the morning of the incident. The drive controls on the borrowed aerial work platform may have been reversed from the actual direction that they would operate.

The abstract does not include enough information to be certain as to whether the ''boom-supported aerial work platform'' was equipment that would be covered by the crane standard (it could be a simple aerial lift not covered by the standard, or a boom crane or multi-purpose machine configured to support the work platform in a manner that would be within the scope of the standard). Nevertheless, the incident illustrates the potentially fatal consequence of requiring an employee to operate new equipment without ensuring that the employee can account for differences in control locations and functions. Like the previous cases, the employee received training for certain crane equipment but lacked the skills necessary to operate the borrowed machinery used on the day of the accident. Had the employee been evaluated by his employer before using the equipment, the employee's unfamiliarity with the equipment could have been identified earlier and the fatality might have been prevented.

C. Paperwork Reduction Act

A. Overview

The purpose of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* includes enhancing the quality and utility of information the Federal government requires and minimizing the paperwork and reporting burden on affected entities. The PRA requires certain actions before an agency can adopt or revise a collection of information (also referred to as a ''paperwork'' requirement), including publishing a summary of the collection of information and a brief description of the need for, and proposed use of, the information. The PRA defines ''collection of information'' as ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format.'' (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency may not conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) and displays a currently valid OMB control number, and the public is not required to respond to a collection of information unless it displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512).

B. Solicitation of Comments

The ''Cranes and Derricks in Construction: Operator Qualification'' proposal would establish new information collection requirements. The proposal would also modify a small number of information collection requirements in the existing Cranes and Derricks in Construction Standard (29 CFR part 1926, subpart CC) Information Collection (IC) approved by OMB. OSHA has prepared a new Information Collection request (that modifies the existing Cranes and Derricks in Construction package) to reflect the NPRM's new or revised collections of information.

Concurrent with publication of this proposed rule, OSHA submitted the new Cranes and Derricks in Construction Standard (29 CFR part 1926, subpart CC): Operator Qualification Information Collection Request (ICR) to OMB for review with a request for a new control number (ICR Reference Number 201710–1218–002). When the final rule is published, OSHA will submit the final ICR for the final Cranes and Derricks in Construction Standard: Operator Qualification to OMB for approval. If approved, OSHA will request approval to amend the

comprehensive Cranes and Derricks in Construction Information Collection (OMB control number 1218–0261) to incorporate the ICR analysis associated with the final Cranes and Derricks in Construction Standard: Operator Qualification and to discontinue the new control number. In addition to commenting to the agency, the PRA provides an opportunity for members of the public to comment on the information collection requirements during a 30-day period directly to OMB.

Some of these revisions, if adopted, would result in changes to the existing burden hour and/or cost estimates associated with the current, OMB-approved information collection requirements contained in the Cranes and Derricks in Construction Standard Information Collection. Others would not change burden hour or cost estimates, but would substantively modify language contained in the currently OMB-approved ICR. Still others would revise existing standard provisions that are not collections of information, will not change burden hour or cost estimates, and will not modify any language in the ICR. This preamble summarizes the first two categories to ensure that the ICR reflects the updated regulatory text, but not the last category of revisions. In addition, this preamble does not address the proposed provisions that are substantively unchanged from the current, OMB-approved information collection requirements. Discussion and justification of these provisions can be found in the preamble to the final crane standard (75 FR 48017) and also in the Supporting Statements for this proposal as well as the approved Information Collection.

The Agency and OMB solicit comments on the Cranes and Derricks Standard information collection requirements as they would be revised by this rule. Particularly, comments are sought to:

- Evaluate whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information will have practical utility;
- Evaluate the accuracy of OSHA's estimate of the time and cost burden of the proposed information collection requirements, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection requirements 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.

A copy of the ICR for this proposal, with applicable supporting documentation; including a description of the likely respondents, estimated frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at: *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1218-002* (this link will only become active on the day following publication of this notice).

C. Proposed Revisions to the Information Collection Requirements

As required by 5 CFR 1320.5(a)(1)(iv) and 1320.8(d)(1), OSHA is providing the following summary information about the information collection requirements identified in the proposal.

1. *Title:* Cranes and Derricks in Construction: Operator Qualification.

2. Description of the ICR. The proposal creates new information collection requirements and modifies approved information collection requirements in the existing ''Cranes and Derricks in Construction Standard'' Information Collection. The major differences in the information collection requirements contained in the proposal from the information collection requirements currently approved in the ICR are discussed below and in more specific detail in Section III: Summary and Explanation of the Proposed Amendments to Subpart CC.

Section 1926.1427(a)—Operator Training, Certification, and Evaluation

The introductory text in proposed paragraph (a) sets out the employer's responsibility to ensure that each operator is certified/licensed in accordance with subpart CC, and is evaluated on his or her competence to safely operate the equipment that will be used, before the employer permits him or her to operate equipment covered by subpart CC without continuous monitoring. The proposed new approach provides a clearer structure than the existing standard, which was not designed to accommodate both certification and evaluation.

Section 1926.1427(c)—Certification and Licensing

Under paragraph (c), the employer must ensure that each operator is certified or licensed to operate the equipment. Proposed paragraph (c) retains the certification and licensing structure of the existing standard with only a few minor modifications intended to improve comprehension of certification/licensing requirements. For example, OSHA proposes to remove the somewhat misleading reference to an ''option'' with respect to mandatory compliance with existing state and local licensing requirements that meet the minimum requirements under federal law.

Section 1926.1427(d)—Certification by an Accredited Crane Operator Testing Organization

Proposed paragraph (d) retains the requirements of existing paragraph § 1926.1427(b), except that the proposal removes the requirement for certification by capacity of crane, as required in existing sub-paragraph (b)(1)(ii)(B) and (b)(2). The need for this change is explained in the ''Need for a Rule'' section of this preamble. The proposal also makes some non-substantive language clarifications. Compliance with the requirements of proposed paragraph (d) is the option that OSHA expects the vast majority of employers to use.

Section 1926.1427(f)—Evaluation

Proposed paragraph (f) sets out new specific requirements that employers must follow to conduct an operator evaluation and reevaluation, including documentation requirements. Proposed paragraph (f)(4) requires the employer to document the evaluation of each operator and to ensure that the documentation is available at the worksite. This paragraph also specifies the information that the documentation would need to include: The operator's name, the evaluator's name, the date of the evaluation, and the make, model and configuration of the equipment on which the operator was evaluated. However, the documentation would not need to be in any particular format.

Under the proposal, not all operators exempted from certification requirements would also be exempted from the evaluation requirements. Proposed paragraph § 1926.1427(a)(2) continues the existing exemption from the training and certification requirements in that section for operators of three types of equipment: derricks, sideboom cranes, and equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less. In the current crane standard, these three types of equipment are exempt from all of the requirements in § 1926.1427 as the result of language in § 1926.1427(a) and specific exemptions in §§ 1926.1436(q), 1440(a), and 1441(a). The proposal

would not, however, exempt employers from the requirements in § 1926.1427(f) to evaluate the potential operators of those types of equipment to ensure that they have sufficient knowledge and skills to perform the assigned tasks with the assigned equipment. Accordingly, OSHA proposes to preserve the evaluation requirements through the revision of the language in § 1926.1427(a) and corresponding edits to narrow the exemptions in §§ 1926.1436(q), 1440(a), and 1441(a).

Section 1926.1427(h)—Language and Literacy

Existing paragraph § 1926.1427(h) allows operators to be certified in a language other than English, provided that the operator understands that language. Proposed paragraph (h) is nearly identical to existing paragraph (h) with the exception that it removes the reference to the existing qualification language in paragraph (b)(2), which has been replaced.

Sections 1926.1436(q)—Derricks, 1926.1440(a)—Sideboom Cranes, and 1926.1441(a)—Equipment With a Rated Hoisting/Lifting Capacity of 2,000 Pounds or Less

As discussed earlier, OSHA proposed to amend paragraphs §§ 1926.1436(q) 1926.1440(a), and 1926.1441(a) to ensure that the evaluation requirements in§ 1926.1427(f) apply to employers using derricks, sideboom cranes, and equipment with a rated capacity of 2,000 pounds or less.

Number of respondents: 117,130.
Frequency of responses: Various.
Number of responses: 75,591.
Average time per response: Various.
Estimated total burden hours: 4,773.
Estimated cost (capital-operation and maintenance): $71.

D. Submitting Comments

In addition to submitting comments directly to the Agency, members of the public who wish to comment on the Agency's information collection requirements in this proposal may send written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the DOL–OSHA (RIN–1218–AC96), Office of Management and Budget, Room 10235, Washington, DC 20503. You may also submit comments to OMB by email at: *OIRA_submission@omb.eop.gov.* Please reference the ICR Reference Number 201710–1218–002 in order to help ensure proper consideration. The Agency encourages commenters also to submit their comments related to the Agency's clarification of the information collection requirements to the rulemaking docket (Docket Number OSHA–2007–0066), along with their comments on other parts of the proposed rule. For instructions on submitting these comments to the rulemaking docket, see the sections of this **Federal Register** notice titled **DATES** and **ADDRESSES**.

E. Docket and Inquiries

A copy of the ICR for this proposal, with applicable supporting documentation; including a description of the likely respondents, estimated frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at: *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1218-002* (this link will only become active on the day following publication of this notice). Copies of these documents may also be obtained by contacting Mr. Vernon Preston, Directorate of Construction, OSHA; telephone (202) 693–2020; email *Preston.Vernon@dol.gov.*

D. Federalism

OSHA reviewed this proposed rule in accordance with the Executive Order on Federalism (Executive Order 13132, 64 FR 43255, August 10, 1999), which requires that Federal agencies, to the extent possible, refrain from limiting state policy options, consult with states prior to taking any actions that would restrict state policy options, and take such actions only when clear constitutional and statutory authority exists and the problem is national in scope. Executive Order 13132 provides for preemption of state law only with the expressed consent of Congress. Federal agencies must limit any such preemption to the extent possible.

Under Section 18 of the Occupational Safety and Health Act of 1970 (OSH Act; 29 U.S.C. 651 *et seq.*), Congress expressly provides that states and U.S. territories may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. OSHA refers to such states and territories as ''State Plan States.'' Occupational safety and health standards developed by State Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards (29 U.S.C. 667). Subject to these requirements, State Plan States are free to develop and enforce under state law their own requirements for safety and health standards.

OSHA previously concluded from its analysis that promulgation of subpart CC complies with Executive Order 13132 (see 75 FR 48128–29). The proposed amendments do not change that conclusion. In states without an OSHA-approved State Plan, this proposed rule would limit state policy options in the same manner as every standard promulgated by OSHA. But the proposed rule also requires compliance with state and local crane operator licensing programs that meet certain minimum standards. For State Plan States, Section 18 of the OSH Act, as noted in the previous paragraph, permits State-Plan States to develop and enforce their own cranes standards provided these requirements are at least as effective in providing safe and healthful employment and places of employment as the requirements specified in this proposed rule.

E. State Plans

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical or ''at least as effective as'' the new standard or amendment, or show that an existing state standard covering this area is ''at least as effective'' as the new Federal standard or amendment (29 CFR 1953.5(a)). State Plans' adoption must be completed within six months of the promulgation date of the final Federal rule. When OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although OSHA may encourage them to do so. The 21 states and 1 U.S. territory with OSHA-approved occupational safety and health plans covering private sector and state and local government are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. Connecticut, Illinois, Maine, New Jersey, New York, and the Virgin Islands have OSHA-approved State Plans that apply to state and local government employees only.

The amendments to OSHA's cranes standard in this proposed rule would require employers to implement permanent evaluations of crane operators. These evaluations must be documented and include more specificity than the existing temporary employer duty to assess and train operators under § 1926.1427(k)(2). Accordingly, State Plans would be required to adopt an ''at least as effective'' change to their standard.

OSHA is also removing the existing requirement for crane operators to be certified by crane capacity as well as crane type. Because this change removes a requirement rather than imposing one, State Plans would not be required to make this change, but may do so if they so choose.

F. Unfunded Mandates Reform Act

When OSHA issued the final Cranes and Derricks in Construction rule, it reviewed the rule according to the Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.*) and Executive Order 13132 (64 FR 43255 (Aug. 10, 1999)). OSHA concluded that the final rule did not meet the definition of a ''Federal intergovernmental mandate'' under the UMRA because OSHA standards do not apply to state or local governments except in states that voluntarily adopt State Plans. OSHA further noted that the rule imposed costs of over $100 million per year on the private sector and, therefore, required review under the UMRA for those costs, but concluded that its final economic analysis met that requirement.

As discussed above in Section III.A (Final Economic Analysis and Regulatory Flexibility Analysis) of this preamble, this proposed rule has cost savings of approximately $1.8m per year. Therefore, for the purposes of the UMRA, OSHA certifies that this proposed rule would not mandate that state, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than $100 million in any year.

G. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this proposed rule in accordance with Executive Order 13175 (65 FR 67249) and determined that it would not have ''tribal implications'' as defined in that order. The proposed rule would not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

H. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

Consistent with E.O. 13771 (82 FR 9339, February 3, 2017), OSHA has estimated at a 3 percent discount rate, there are net annual cost savings of $1,738,540, and at a discount rate of 7 percent there is an annual cost savings of $2,230,511. This proposed rule is expected to be an E.O. 13771 deregulatory action. Details on the estimated costs and cost savings estimates for this proposed rule can be found in the rule's economic analysis.

List of Subjects in 29 CFR Part 1926

Certification, Construction industry, Cranes, Derricks, Occupational safety and health, Qualification, Safety, Training.

Signed at Washington, DC, on May 14, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

For the reasons stated in the preamble of this proposed rule, OSHA proposes to amend 29 CFR part 1926 as follows:

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart CC—Cranes and Derricks in Construction

■ 1. The authority citation for subpart CC continues to read as follows:

Authority: Section 3704 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701); sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 5–2007 (72 FR 31159); and 29 CFR part 1911.

■ 2. Revise § 1926.1427 to read as follows:

§ 1926.1427 Operator training, certification, and evaluation.

(a) The employer must ensure that each operator is trained, certified/licensed, and evaluated in accordance with this section before operating any equipment covered under subpart CC, except for the equipment listed in paragraph (a)(2) of this section.

(1) An employee who has not been certified/licensed and evaluated to operate assigned equipment in accordance with this section may only operate the equipment as an operator-in-training under supervision in accordance with the requirements of paragraph (b) of this section.

(2) *Exceptions.* Operator certification/licensing and training under this section is not required for operators of derricks (see § 1926.1436), sideboom cranes (see § 1926.1440), or equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less (see § 1926.1441). **Note:** The training requirements in those other sections continue to apply (for the training requirement for operators of sideboom cranes, follow section 1926.1430(c)).

(3) *Qualification by the U.S. military.*

(i) For purposes of this section, an operator who is an employee of the U.S. military meets the requirements of this section if he/she has a current operator qualification issued by the U.S. military for operation of the equipment. An employee of the U.S. military is a Federal employee of the Department of Defense or Armed Forces and does not include employees of private contractors.

(ii) A qualification under this paragraph is:

(A) Not portable. Such a qualification meets the requirements of paragraph (a) of this section only where the operator is employed by (and operating the equipment for) the employer that issued the qualification.

(B) Valid for the period of time stipulated by the issuing entity.

(b) *Operator training.* The employer must provide each operator-in-training with sufficient training, through a combination of formal and practical instruction, to ensure that the operator-in-training develops the skills, knowledge, and judgment necessary to operate the equipment safely for assigned work.

(1) The employer must provide instruction on the knowledge and skills listed in paragraphs (j)(1) and (2) of this section to the operator-in-training.

(2) The operator-in-training must be continuously monitored on site by a trainer while operating equipment.

(3) The employer may only assign tasks within the operator-in-training's ability. However, the operator-in-training shall not operate the equipment in any of the following circumstances except as provided in paragraph (b)(3)(v) of this section:

(i) If any part of the equipment, load line or load (including rigging and lifting accessories), if operated up to the equipment's maximum working radius in the work zone (see § 1926.1408(a)(1)), could get within 20 feet of a power line that is up to 350 kV, or within 50 feet of a power line that is over 350 kV.

(ii) If the equipment is used to hoist personnel.

(iii) In multiple-equipment lifts.

(iv) If the equipment is used over a shaft, cofferdam, or in a tank farm.

(v) In multiple-lift rigging operations, except where the operator's trainer determines that the operator-in-training skills are sufficient for this high-skill work.

(4) Monitored Training. The employer must ensure that an operator-in-training is monitored as follows when operating equipment covered by this subpart:

(i) *Trainer.* While operating the equipment, the operator-in-training must be continuously monitored by an individual (''operator's trainer'') who meets all of the following requirements:

(A) The operator's trainer is an employee or agent of the operator-in-training's employer.

(B) Have the knowledge, training, and experience necessary to direct the operator-in-training on the equipment in use.

(ii) While monitoring the operator-in-training, the operator's trainer performs no tasks that detract from the trainer's ability to monitor the operator-in-training.

(iii) For equipment other than tower cranes: The operator's trainer and the operator-in-training must be in direct line of sight of each other. In addition, they must communicate verbally or by hand signals. For tower cranes: The operator's trainer and the operator-in-training must be in direct communication with each other.

(iv) *Continuous monitoring while operating the equipment.* The operator-in-training must be monitored by the operator's trainer at all times, except for short breaks where all of the following are met:

(A) The break lasts no longer than 15 minutes and there is no more than one break per hour.

(B) Immediately prior to the break the operator's trainer informs the operator-in-training of the specific tasks that the operator-in-training is to perform and limitations to which he/she must adhere during the operator trainer's break.

(C) The specific tasks that the operator-in-training will perform during the operator trainer's break are within the operator-in-training's abilities.

(5) *Retraining.* The employer must provide refresher training in relevant topics for each operator when, based on the performance of the operator or an evaluation of the operator's knowledge, there is an indication that retraining is necessary.

(c) *Operator certification and licensing.* The employer must ensure that each operator is certified or licensed to operate the equipment as follows:

(1) *Licensing.* When a state or local government issues operator licenses for equipment covered under subpart CC, the equipment operator must be licensed by that government entity for operation of equipment within that entity's jurisdiction if that government licensing program meets the following requirements:

(i) The requirements for obtaining the license include an assessment, by written and practical tests, of the operator applicant regarding, at a minimum, the knowledge and skills listed in paragraphs (j)(1) and (2) of this section.

(ii) The testing meets industry-recognized criteria for written testing materials, practical examinations, test administration, grading, facilities/equipment, and personnel.

(iii) The government authority that oversees the licensing department/office has determined that the requirements in paragraphs (c)(1)(i) and (ii) of this section have been met.

(iv) The licensing department/office has testing procedures for re-licensing designed to ensure that the operator continues to meet the technical knowledge and skills requirements in paragraphs (j)(1) and (2) of this section.

(v) The license must specify the type, or type and capacity, of equipment for which the individual is licensed.

(vi) For the purposes of compliance with this section, a license is valid for the period of time stipulated by the licensing department/office, but no longer than 5 years.

(2) *Certification.* When an operator is not required to be licensed under paragraph (c)(1), the operator must be certified in accordance with paragraph (d) or (e) of this section.

(3) Whenever operator certification/licensure is required under § 1926.1427, the employer must provide the certification at no cost to employees.

(4) A testing entity is permitted to provide training as well as testing services as long as the criteria of the applicable governmental or accrediting agency (in the option selected) for an organization providing both services are met.

(d) *Certification by an accredited crane operator testing organization.* (1) For a certification to satisfy the requirements of this section, the crane operator testing organization providing the certification must:

(i) Be accredited by a nationally recognized accrediting agency based on that agency's determination that industry-recognized criteria for written testing materials, practical examinations, test administration, grading, facilities/equipment, and personnel have been met.

(ii) Administer written and practical tests that:

(A) Assess the operator applicant regarding, at a minimum, the knowledge and skills listed in paragraphs (j)(1) and (2) of this section.

(B) Provide certification based on equipment type, or type and capacity.

(iii) Have procedures for operators to re-apply and be re-tested in the event an operator applicant fails a test or is decertified.

(iv) Have testing procedures for re-certification designed to ensure that the operator continues to meet the technical knowledge and skills requirements in paragraphs (j)(1) and (2) of this section.

(v) Have its accreditation reviewed by the nationally recognized accrediting agency at least every 3 years.

(2) If no accredited testing agency offers certification examinations for a particular type of equipment, an operator will be deemed certified for that equipment if the operator has been certified for the type that is most similar to that equipment and for which a certification examination is available. The operator's certificate must state the type of equipment for which the operator is certified.

(3) A certification issued under this option is portable among employers who are required to have operators certified under this option.

(4) A certification issued under this paragraph is valid for 5 years.

(e) *Audited employer program.* The employer's certification of its employee must meet the following requirements:

(1) The written and practical tests must be either:

(i) Developed by an accredited crane operator testing organization (see paragraph (d) of this section); or

(ii) Approved by an auditor in accordance with the following requirements:

(A) The auditor is certified to evaluate such tests by an accredited crane operator testing organization (see paragraph (d) of this section).

(B) The auditor is not an employee of the employer.

(C) The approval must be based on the auditor's determination that the written and practical tests meet nationally recognized test development criteria and are valid and reliable in assessing the operator applicants regarding, at a minimum, the knowledge and skills listed in paragraphs (j)(1) and (2) of this section.

(D) The audit must be conducted in accordance with nationally recognized auditing standards.

(2) *Administration of tests.* (i) The written and practical tests must be administered under circumstances approved by the auditor as meeting nationally recognized test administration standards.

(ii) The auditor must be certified to evaluate the administration of the written and practical tests by an accredited crane operator testing organization (see paragraph (d) of this section).

(iii) The auditor must not be an employee of the employer.

(iv) The audit must be conducted in accordance with nationally recognized auditing standards.

(3) The employer program must be audited within 3 months of the

beginning of the program and at least every 3 years thereafter.

(4) The employer program must have testing procedures for re-qualification designed to ensure that the operator continues to meet the technical knowledge and skills requirements in paragraphs (j)(1) and (2) of this section. The re-qualification procedures must be audited in accordance with paragraphs (e)(1) and (2) of this section.

(5) *Deficiencies.* If the auditor determines that there is a significant deficiency (''deficiency'') in the program, the employer must ensure that:

(i) No operator is qualified until the auditor confirms that the deficiency has been corrected.

(ii) The program is audited again within 180 days of the confirmation that the deficiency was corrected.

(iii) The auditor files a documented report of the deficiency to the appropriate Regional Office of the Occupational Safety and Health Administration within 15 days of the auditor's determination that there is a deficiency.

(iv) Records of the audits of the employer's program are maintained by the auditor for 3 years and are made available by the auditor to the Secretary of Labor or the Secretary's designated representative upon request.

(6) A certification under this paragraph is:

(i) Not portable. Such a certification meets the requirements of paragraph (c) of this section only where the operator is employed by (and operating the equipment for) the employer that issued the qualification.

(ii) Valid for 5 years.

(f) *Evaluation.* (1) Through an evaluation, the employer must ensure that each operator demonstrates:

(i) The skills, knowledge, and judgment necessary to operate the equipment safely, including those specific to the safety devices, operational aids, software, and the size and configuration of the equipment. Size and configuration includes, but is not limited to, lifting capacity, boom length, attachments, luffing jib, and counterweight set-up.

(ii) The ability to perform the hoisting activities required for assigned work, including, if applicable, blind lifts, personnel hoisting, and multi-crane lifts.

(2) The evaluation must be conducted by an individual who has the knowledge, training, and experience necessary to assess equipment operators.

(3) Once the evaluation is completed successfully, the employer may allow the operator to operate other equipment that the employer can demonstrate does not require substantially different skills, knowledge, or judgment to operate.

(4) The employer must document the completion of the evaluation. This document must provide: the operator's name; the evaluator's name and signature; the date; and the make, model, and configuration of equipment used in the evaluation. The employer must make the document available at the worksite.

(5) When an employer is required to provide an operator with retraining under paragraph (b)(6) of this section, the employer must re-evaluate the operator with respect to the subject of the retraining.

(g) [*Reserved.*]

(h) *Language and literacy requirements.* (1) Tests under this section may be administered verbally, with answers given verbally, where the operator candidate:

(i) Passes a written demonstration of literacy relevant to the work.

(ii) Demonstrates the ability to use the type of written manufacturer procedures applicable to the class/type of equipment for which the candidate is seeking certification.

(2) Tests under this section may be administered in any language the operator candidate understands, and the operator's certification documentation must note the language in which the test was given. The operator is only permitted to operate equipment that is furnished with materials required by this subpart, such as operations manuals and load charts, that are written in the language of the certification.

(i) [*Reserved.*]

(j) *Certification criteria.* Certifications must be based on the following:

(1) A determination through a written test that:

(i) The individual knows the information necessary for safe operation of the specific type of equipment the individual will operate, including all of the following:

(A) The controls and operational/performance characteristics.

(B) Use of, and the ability to calculate (manually or with a calculator), load/capacity information on a variety of configurations of the equipment.

(C) Procedures for preventing and responding to power line contact.

(D) Technical knowledge of the subject matter criteria listed in appendix C of this subpart applicable to the specific type of equipment the individual will operate. Use of the appendix C criteria meets the requirements of this provision.

(E) Technical knowledge applicable to the suitability of the supporting ground and surface to handle expected loads, site hazards, and site access.

(F) This subpart, including applicable incorporated materials.

(ii) The individual is able to read and locate relevant information in the equipment manual and other materials containing information referred to in paragraph (j)(1)(i) of this section.

(2) A determination through a practical test that the individual has the skills necessary for safe operation of the equipment, including the following:

(i) Ability to recognize, from visual and auditory observation, the items listed in § 1926.1412(d) (shift inspection).

(ii) Operational and maneuvering skills.

(iii) Application of load chart information.

(iv) Application of safe shut-down and securing procedures.

(k) *Effective date.* The certification requirements of this section are applicable November 10, 2018.

■ 3. Amend § 1926.1430 to:

■ a. Revise paragraphs (c)(1) and (c)(2);

■ b. Remove paragraph (c)(3); and

■ c. Redesignate paragraph (c)(4) as (c)(3) to read as follows:

§ 1926.1430 Training.

* * * * *

(c) * * *

(1) The employer must train each operator in accordance with § 1926.1427(a) and (b), on the safe operation of the equipment the operator will be using.

(2) Operators excepted from the requirements of § 1926.1427. The employer must train each operator covered under the exception of § 1926.1427(a)(2) on the safe operation of the equipment the operator will be using.

* * * * *

■ 4. Amend § 1926.1436 by revising paragraph (q) to read as follows:

§ 1926.1436 Derricks.

* * * * *

(q) *Qualification and Training.* The employer must train each operator of a derrick on the safe operation of equipment the individual will operate. Section 1926.1427 of this subpart (Operator training, certification, and evaluation) does not apply, except for the evaluation requirements of § 1926.1427(f).

■ 5. Amend § 1926.1440 by revising paragraph (a) to read as follows:

§ 1926.1440 Sideboom cranes.

(a) The provisions of this subpart apply, except § 1926.1420 (Ground conditions), § 1926.1415 (Safety

devices), § 1926.1416 (Operational aids), and § 1926.1427 (Operator training, certification, and evaluation) paragraphs (a)–(e) and (g)–(k). Section 1926.1427(f) (Evaluation) applies.

* * * * *

■ 6. Amend § 1926.1441 by revising paragraph (a) to read as follows:

§ 1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less.

* * * * *

(a) The employer using this equipment must comply with the following provisions of this subpart: § 1926.1400 (Scope); § 1926.1401 (Definitions); § 1926.1402 (Ground conditions); § 1926.1403 (Assembly/disassembly—selection of manufacturer or employer procedures); § 1926.1406 (Assembly/disassembly—employer procedures); §§ 1926.1407 through 1926.1411 (Power line safety); § 1926.1412(c) (Post-assembly); §§ 1926.1413 through 1926.1414 (Wire rope); § 1926.1418 (Authority to stop operation); §§ 1926.1419 through 1926.1422 (Signals); § 1926.1423 (Fall protection); § 1926.1425 (Keeping clear of the load) (except for § 1926.1425(c)(3) (qualified rigger)); § 1926.1426 (Free fall and controlled load lowering); § 1926.1427(f) (Evaluation); § 1926.1432 (Multiple crane/derrick lifts—supplemental requirements); § 1926.1434 (Equipment modifications); § 1926.1435 (Tower cranes); § 1926.1436 (Derricks); § 1926.1437 (Floating cranes/derricks and land cranes/derricks on barges); § 1926.1438 (Overhead & gantry cranes).

* * * * *

[FR Doc. 2018–10559 Filed 5–18–18; 8:45 am]

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FEDERAL REGISTER

Vol. 83 Monday,
No. 98 May 21, 2018

Part III

The President

Notice of May 18, 2018—Continuation of the National Emergency With Respect to the Stabilization of Iraq

Federal Register
Vol. 83, No. 98
Monday, May 21, 2018

Presidential Documents

Title 3—

The President

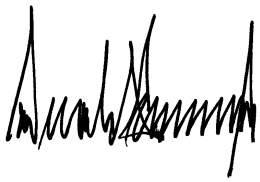
Notice of May 18, 2018

Continuation of the National Emergency With Respect to the Stabilization of Iraq

On May 22, 2003, by Executive Order 13303, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

The obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13303, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, Executive Order 13438 of July 17, 2007, and Executive Order 13668 of May 27, 2014, must continue in effect beyond May 22, 2018. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
May 18, 2018.

[FR Doc. 2018–11015
Filed 5–18–18; 11:15 am]
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