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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 305

[Docket No. APHIS–2013–0081]

RIN 0579–AD90

Standardizing Phytosanitary Treatment Regulations: Approval of Cold Treatment and Irradiation Facilities; Cold Treatment Schedules; Establishment of Fumigation and Cold Treatment Compliance Agreements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the phytosanitary treatment regulations to establish generic criteria that would allow for the approval of new cold treatment facilities in the Southern and Western States of the United States. These criteria, if met, will allow us to approve new cold treatment facilities without rulemaking and facilitate the importation of fruit requiring cold treatment while continuing to provide protection against the introduction of pests of concern into the United States. We are also amending the fruit cutting and inspection requirements in the cold treatment regulations in order to expand cutting and inspection to commodities that have been treated for a wider variety of pests of concern. This action will provide for a greater degree of phytosanitary protection. We are also adding requirements concerning the establishment of compliance agreements for U.S. entities that operate fumigation facilities. Finally, we are harmonizing language concerning State compliance with facility establishment and parameters for the movement of consignments from the port of entry or points of origin in the United States to the treatment facility in the irradiation treatment regulations with language in the cold treatment regulations. These actions will serve to codify and make enforceable existing procedures concerning compliance agreements for these facilities.

DATES: Effective March 14, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Lamb, Senior Regulatory Policy Specialist, IRM, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2103.

SUPPLEMENTARY INFORMATION:

Background

The phytosanitary treatments regulations in 7 CFR part 305 set out general requirements for certifying or approving treatment facilities and for performing treatments listed in the Plant Protection and Quarantine (PPQ) Treatment Manual [1] for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or through the United States. Within part 305, § 305.6 (referred to below as the regulations) sets out requirements for treatment procedures, monitoring, facilities, and enclosures needed for performing sustained refrigeration (cold treatment) sufficient to kill certain insect pests associated with imported fruits and vegetables and with regulated articles moved interstate from quarantined areas within the United States. Under the regulations, all facilities used to provide upon arrival cold treatment for these articles must operate under a compliance agreement with the Animal and Plant Health Inspection Service (APHIS) and be certified as capable of delivering required cold treatment and handling articles to prevent reinfestation of treated articles. An inspector [2] monitors all upon arrival treatments. The regulations require safeguards to prevent the escape of pests during transportation to and while at the facility. These include, but are not limited to, inspections, precooling, and physical separation of untreated and treated articles. The facility must maintain records of all treatments and must periodically be recertified. These conditions have allowed for the safe, effective treatment of many different kinds of articles, as is demonstrated by the track record of cold treatment facilities currently operating in the United States and other countries.

Cold Treatment in Southern and Western States

In § 305.6, paragraph (b) allows cold treatment facilities to be located in the area north of 39° latitude and east of 104° longitude. When the cold treatment regulations were established, areas outside of these coordinates were identified as having conditions favorable for the establishment of exotic fruit flies. The location restrictions served as an additional safeguard against the possibility that fruit flies could escape from imported articles prior to treatment and become established in the United States.

Although the regulations initially did not allow cold treatment facilities to be located in Southern and Western States, APHIS periodically received requests for exemptions. In response to these requests, APHIS conducted site-specific evaluations for these locations and determined that regulated articles can be safely transported to, handled in, and treated by specific cold treatment facilities outside of the areas established by the regulations under special conditions to mitigate the possible escape of pests of concern. Over the years, APHIS has amended its regulations to allow cold treatment facilities to be located at the maritime ports of Wilmington, NC; Seattle, WA; Corpus Christi, TX; and Gulfport, MS; Seattle-Tacoma International Airport, Seattle, WA; Hartsfield-Atlanta International Airport, Atlanta, GA; and, most recently, MidAmerica St. Louis Airport, Mascoutah, IL.

In addition to those requests, certain importers of fruits and vegetables have shown considerable interest in locating cold treatment facilities in places that are not currently allowed under the regulations (*e.g.,* Miami and Port Everglades, FL, and Savannah, GA).

On June 30, 2016, we published in the **Federal Register** (81 FR 42569–42576, Docket No. APHIS–2013–0081) a proposal [3] to amend the regulations by

[1] The PPQ Treatment Manual is available at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf.*

[2] Section 305.1 defines an *inspector* as ''Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this part.''

[3] To view the proposed rule, supporting documents, and the comments we received, go to

Continued

establishing generic phytosanitary criteria that would replace the current location-specific criteria for cold treatment facilities at the ports mentioned previously and would also apply to the approval and operation of new cold treatment facilities in the Southern and Western States of the United States.

We also proposed to expand our requirements for initial cold treatment facility certification and recertification; expand the fruit cutting and inspection requirements in order to state that consignments treated for other fruit flies and pests of concern may be subject to sampling and cutting; combine requirements both domestic and foreign cold treatment facilities and importers would have to meet in order to enter into a compliance agreement with APHIS; add language regarding compliance agreements required in association with articles moved interstate from Hawaii and the U.S. territories; add a section to the regulations concerning fumigation treatment to provide that both domestic and foreign fumigation treatment facilities and importers enter into a compliance agreement with APHIS; add a definition for ''treatment facility'' to the regulations in § 305.1; and remove a cold treatment schedule from the PPQ Treatment Manual.

We solicited comments concerning our proposal for 60 days ending August 29, 2016. We received 42 comments by that date. They were from producers, exporters, industry groups, private citizens, and a State department of agriculture. Of those, 26 were wholly supportive of the proposed action. The remainder are discussed below by topic.

General Comments

Several commenters argued that granting the exemptions described previously that have allowed for the establishment of cold treatment facilities in a number of Southern and Western States mistakenly served to further liberalize the regulations and lessen the phytosanitary safety of the United States.

As stated previously, prior to the establishment of those cold treatment facilities, we conducted site-specific evaluations for each location and determined that regulated articles could be safely transported to, handled in, and treated subject to special conditions designed to mitigate the possible escape of pests of concern. These evaluations and proposals were made available both to the States in which the facilities would be established and the general public for review and comment. We have successfully established cold treatment facilities in seven locations outside of the areas established by the regulations and they have operated without incident. If a facility were to be found out of compliance with the requirements of the regulations, we would take appropriate remedial action to ensure ongoing phytosanitary security.

A number of commenters hypothesized that the proposed rule was intended to satisfy nonagricultural entities (*e.g.,* importers, facility owners) with little concern for the phytosanitary risk involved to the agricultural sector.

We have determined that the measures specified in the treatment evaluation document (TED) that accompanied the proposed rule (*e.g.,* requirements concerning facility planning and location, transport of regulated articles to the facility for treatment, and handling of regulated articles after treatment) will effectively lessen the risk associated with locating cold treatment facilities in the Southern and Western States of the United States. In addition, as noted in the proposed rule, the criteria we are establishing are similar to those successfully used for the approval of new irradiation facilities in the Southern United States found in § 305.9 of the regulations, as untreated fruit moving to irradiation facilities in those States presents the same pest risks as untreated fruit moving to cold treatment facilities. APHIS' evaluation process is solely based on this evaluated level of phytosanitary risk and not on the identity of any of the individuals or entities supportive of the change. The commenters did not provide any evidence suggesting that the measures are not effective.

One commenter asked about the impetus for the proposed rule. The commenter suggested that greater flexibility for importers and a higher volume of imports serving as a revenue generating device for ports were the two obvious motivations for the change.

We developed the proposed rule in response to a number of pending requests for the approval of cold treatment facilities. After considering the issue and the associated phytosanitary risks, we determined that generic criteria could be established for the approval of new facilities that would streamline the approval process while at the same time minimizing the risk of pests escaping from regulated articles prior to cold treatment.

Another commenter stated that U.S. Customs and Border Protection (CBP) has reported pest interceptions and that the volume of those interceptions is greater today than it was in the past.

The commenter provided no evidence to support the claim of increased pest interceptions related to commercial commodities imported or moved interstate in the United States for cold treatment. In addition, the commenter did not specify the identities of the pests of concern, the commodities with which the pests are associated, whether those commodities were imported or moved commercially or non-commercially, or what State or States are the focus of particular concern when it comes to the supposed increase in interceptions. In the absence of specific information we cannot provide targeted CBP data to address the commenter's claim, however we have not noted a general increase in pest interceptions.

Comments on Phytosanitary Security

One commenter expressed concern over the phytosanitary risk inherent in allowing untreated fruits and vegetables to travel through areas where host material may exist to a facility in proximity to domestic host material. Another commenter said that APHIS should not allow cold treatment facilities to be located near areas producing domestic host material, nor should we allow access to such facilities via highways or railways that run through areas producing host material. One commenter stated that invasive species are not introduced directly to farming communities, but instead become established first in urban areas adjacent to ports or terminal markets before spreading elsewhere. The commenter urged us to examine this phenomenon.

A number of commenters expressed specific concerns regarding potential pest incursion into the State of Florida. One commenter stated the recent establishment of citrus canker, citrus black spot, and citrus greening should serve to eliminate Florida as a potential location for cold treatment facilities. Four commenters said that, due to the overall risk of fruit fly and other pest introduction to the State of Florida, APHIS should exclude commodities originating from areas where certain fruit flies are known to exist from the consolidated regulations. Two commenters said that cold treatment should be completed prior to any shipment's arrival in the State of Florida in order to ensure the phytosanitary security of domestic crops. Another commenter argued that because foreign production areas are not well monitored, cold treatment should occur prior to departure from the shipment's country of origin.

http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0081.

The regulations in § 305.6 allow for cold treatment of articles either prior to or after arrival in the United States, provided that an APHIS-approved facility is available. Articles may be treated in the United States instead of the exporting country for several reasons, including when the exporting country lacks the resources, technical expertise, or infrastructure to treat articles prior to export. The regulations require safeguards that have successfully prevented the introduction or dissemination of plant pests into or within the United States via the importation or interstate movement of cold treated articles in the past. Based on our experience, we are confident that exporting countries have the ability to comply with all APHIS requirements and commodities from exporting countries can be safely treated in the United States.

APHIS recognizes that the Southern and Western States of the United States have conditions favorable for the establishment of certain pests, and that is why we proposed additional safeguards for cold treatment facilities in these States that go beyond the current requirements that apply to all cold treatment facilities. These safeguards include the requirements that untreated articles may not be removed from their packaging prior to treatment under any circumstances, that refrigerated or air-conditioned conveyances must be used to transport regulated articles to the treatment facility, and that facilities have contingency plans for safely destroying or disposing of regulated articles if the facility was unable to properly treat a shipment. To help prevent establishment of pests in the unlikely event that they escape despite the required precautions, we will require trapping and other pest monitoring activities within 4 square miles of the facility to help prevent establishment of any escaped pests of concern. Those activities will be paid for by the facility.

APHIS will only approve a proposed facility if the Administrator determines that regulated articles can be safely transported to the facility from a port of entry or points of origin in the United States. We believe that the mitigations included in this final rule have proven effective in mitigating the risk associated with the importation of commodities into the United States, and thus will provide protection against the introduction or dissemination of pests of concern into the United States.

A number of commenters asked what had changed in APHIS' assessment of phytosanitary risk since the cold treatment regulations were originally established. The commenters specifically pointed to § 305.6(b), which states that ''cold treatment facilities are to be located in the area North of the 39th latitude and east of the 104th longitude as areas outside of these coordinates are identified as having conditions favorable for the establishment of exotic fruit flies.'' The commenters argued that the original justification for the prohibition on facility location is still valid.

The TED that accompanied the proposed rule referenced a study conducted in 1994, which was the basis for our initial decision to prohibit the movement of host materials to cold treatment facilities in the Southern and Western States of the United States. The study recommended restricting or prohibiting the movement of host materials through these States unless strict measures were applied to manage the associated risks. Since that time, in response to petitions and after site-specific evaluations, APHIS has approved several Southern and Western locations where facilities could be established to receive and cold treat foreign fruits or vegetables provided certain conditions determined by APHIS to result in the safe transport of regulated articles to the treatment facility, were followed. It is our experience with these stringent, additional measures that has led us to conclude that generic criteria can be safely established.

Many commenters stated that the potential escape of fruit flies represented too great a phytosanitary risk and added that the proposed regulations could expose domestic citrus crops to citrus leprosis virus, spread by *Brevipalpus* mites. Several other commenters cited the dangers to the domestic avocado industry posed by laurel wilt, spread by the ambrosia beetle (*Xyleborus glabratus*). Another commenter argued that even with restrictions in place, devastating insects such as the emerald ash borer (*Agrilus planipennis,* EAB), Asian longhorned beetle (*Anoplophora glabripennis,* ALB), and brown marmorated stink bug (*Halyomorpha halys*) eluded detection, established, and spread. One commenter used the State of Florida's Mediterranean fruit fly (*Ceratitis capitata,* Medfly) trapping program as a cautionary example. The commenter stated that, despite the State's use of trapping and the release of sterile insects, accidental incursions of Medfly occurred in 2010 and 2011, resulting in a cost of approximately $4 million in each case to achieve eradication.

As this rule does not certify any additional cold treatment facilities, such specific pest concerns are outside the scope of the current regulation, although we note that the introductions of EAB, ALB, and brown marmorated stink bug were all associated with wood packing material, which, at the time of the pests' first entrance into the United States, was not safeguarded at the level of imported fruits and vegetables. Any new treatment facilities would have to be authorized using the criteria described in the regulation, which would include analysis of any potential host materials in the area. The commenter did not specify whether the Medfly incursions in 2010 and 2011 were determined by the State of Florida to originate from commercial or noncommercial sources, but we would note that accidental incursions of fruit flies from commercially produced fruit represent less phytosanitary risk, as produce grown commercially is less likely to be infested with plant pests than noncommercial consignments due to the standardized way in which it is grown, harvested, and packaged.

A commenter said that the cumulative results of authorizing cold treatment facilities in the Southern and Western States of the United States should not be ignored. The commenter argued that, while individual approvals may create negligible risk, taken as a whole they lead to an overall decline in phytosanitary safety. The commenter further stated that the subsequent establishment of quarantine pests domestically then hampers the ability of domestic producers to export their products due to increased stringency in import markets abroad.

We disagree with the commenter's point. While it is true that cold treatment facilities were and will continue to be evaluated on an individual basis, as stated previously, the fact that pests of concern are more likely to become established in the Southern and Western States of the United States is why we proposed additional safeguards for cold treatment facilities in these States that go beyond the current requirements that apply to all cold treatment facilities. We disagree that any increase in the number of authorized cold treatment facilities will necessarily create an unacceptable level of risk. Prospective facility operators must submit a detailed layout of the facility site and its location to APHIS. Location information would include any nearby facilities and those facilities would be a part of APHIS' overall consideration of plant health risks for the requested location. We also note that the requirements regarding safeguarding during transit to, treatment, and shipment from the facilities will also

serve to preclude escape of quarantine pests into the environment, regardless of the number of other treatment facilities in a given area. The commenter provided no evidence that the establishment of quarantine pests in domestic host material is a given, therefore the commenter's final point about potential impacts to domestic producers does not apply.

Comments on Implementation

Two commenters expressed concern at the elimination of the need for rulemaking for future individual cold treatment facility approvals in Southern and Western States. The commenters were particularly worried about the elimination of a public comment period and other stakeholder outreach methods.

Prior to approving a new cold treatment facility, APHIS will enter into consultation with the State in which the prospective facility will be located. Facility approval will be coordinated through APHIS' Field Operations unit, which routinely keeps potentially affected stakeholders apprised of any pending APHIS approvals. These actions will serve to complement the State's own outreach. As circumstances warrant APHIS may use additional outreach tools.

One commenter was partially supportive of our proposal but suggested that we require that approved cold treatment facilities also be approved to apply alternative treatments, such as fumigation with methyl bromide or irradiation.

While it is certainly possible for a treatment facility to be certified to perform more than one variety of treatment, we see no reason to require that cold treatment facilities be so certified because we are confident that our regulations require that any regulated articles be separated prior to, during, and after treatment. If a facility were to engage in different varieties of treatment those treatments would be required to be completed separate from one another.

Another commenter recommended that we require, whenever possible, that phytosanitary treatments be performed prior to shipment arrival in the United States in order to prevent accidental introduction of pests of concern.

As stated previously, the regulations in § 305.6 allow for cold treatment of articles either prior to or after arrival in the United States, provided that an APHIS-approved facility is available.

The State government of the Southern or Western State in which the facility will be located will also have to concur in writing with the location of the cold treatment facility. If the State government does not concur, it must provide a written explanation of concern based on pest risks. In instances where the State government does not concur with the proposed facility location, and provides a written explanation of concern based on pest risks, then APHIS and the State will need to agree on a strategy to resolve such risks before APHIS approves the facility.

A commenter suggested that we stipulate that written explanations be provided within 60 days of the submission of the required documents by the prospective facility owner. The commenter also suggested that, in instances where the State government does not concur with the proposed facility location, APHIS and the State will agree on a strategy to resolve the pest risk concerns prior to APHIS approval within a reasonable period not to exceed 120 days from the submission of the required documents by the prospective facility owner.

A reasonable length of time to be determined by APHIS will be given for the State to respond after the proposal for the location and layout of the facility site are submitted to APHIS by the prospective facility owner. Time frames for response will be determined on a case-by-case basis, based on APHIS' own evaluation of the submitted materials.

One commenter asked that a State's ability to maintain an objection to the placement of a cold treatment facility beyond the stipulated consultation and negotiation with APHIS be specifically addressed in the regulations.

As stated previously, we will first come to concurrence with the State in which the prospective cold treatment facility will be located before approving the facility. Because concurrence is reached on a case-by-case basis, this allows us to ensure that the State's phytosanitary risk-based concerns have been thoroughly addressed.

Another commenter said that a State should not be able to veto a given proposal simply because it opposes the establishment of cold treatment facilities within its borders or insists upon an unrealistic level of phytosanitary protection. The commenter requested language be included that assures prospective facility owners that reasonable efforts will be made to come to agreement on the establishment of facilities deemed acceptable by APHIS and objectionable by individual States.

The standards are similar to the procedure we successfully use for the approval of irradiation facilities in Southern and Western States as currently described in § 305.9. In instances where the State government does not concur with the proposed facility location, APHIS and the State will collaborate to resolve these concerns. These requirements are intended to give States an opportunity to provide information to APHIS to help ensure that all facilities will have appropriate safeguards in place prior to APHIS approval.

Several commenters argued that cold treatment facilities should not be located in the State of Florida due to its wide range of diverse habitats and climate ranges and the resulting likelihood of accidental exotic plant pest introduction and establishment.

While APHIS acknowledges that Florida's environment is uniquely hospitable to the establishment of certain plant pests, the generic criteria for establishing cold treatment facilities in Southern and Western States include safeguarding measures above and beyond those already in place for facilities located elsewhere in the country. Additionally, when the location of the proposed facility raises phytosanitary concerns that are not addressed by the generic criteria, additional safeguards will be required for any facility established in that area, such as increased inspections and trapping based on quarantine pests associated with specific regulated articles. Any additional measures mandated for a particular facility will be stipulated in the facility compliance agreement. Finally, States will have the opportunity to review the layout of the facility and its proposed location prior to any APHIS approval, and to present pest risk concerns that may be associated with the facility or its location that necessitate further safeguarding. It is possible that, collectively, these safeguards would mitigate phytosanitary risk to a level allowing for the establishment of a facility in the State of Florida. We therefore cannot grant the commenter's request for a blanket prohibition on constructing facilities in that State.

Comments on General Economic Effects

While specific comments on the initial regulatory flexibility analysis are specifically addressed in this document and in the final regulatory flexibility analysis, we received a number of comments concerning the overall economic effect of the rule as it relates to the establishment of generic criteria that would allow for the approval of new cold treatment facilities in the Southern and Western States of the United States.

One commenter cited the World Trade Organization's (WTO) Article 5, ''Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection,'' which states: ''In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk, Members shall take into account as relevant economic factors: The potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing Member; and the relative cost-effectiveness of alternative approaches to limiting risks.'' The commenter argued that the establishment of generic standards that eliminate the need for rulemaking to approve new facilities, and thus the elimination of the economic analyses that would be prepared as part of the rulemaking process, is in conflict with the WTO mandate, as it will impact APHIS' ability to consider such consequences. The commenter concluded that it is not reasonable for APHIS to make a blanket determination that the future economic impact of unspecified foreign imports entering the United States for cold treatment will always be of little significance.

We disagree that our actions are in conflict with WTO Article 5. While specific economic analyses will not be conducted in connection with approvals of new cold treatment facilities, the potential economic consequences of pest introduction associated with a given commodity are considered at the same time we consider potential mitigation measures during the development of the risk mitigation document that accompanies proposed actions.

Several commenters stated that the financial consequences of pest infestation would be too great to allow for any imported host material to be treated in the Southern or Western States.

We believe that the cold treatment and the additional specific safeguarding measures that will be in place at a given facility under compliance agreement are adequate to mitigate the phytosanitary risks presented by such materials. If the risks cannot be adequately mitigated, a facility or specific commodities would not be approved.

Comments on the Economic Analysis

One commenter observed that, while it is true that the rule does not approve individual facilities, it creates the mechanism for all future approvals. The commenter argued that we should therefore project the economic impact of utilization of the new process at various levels of intensity over time.

The commenter is correct that the economic impact of any new facilities is not a direct result of this rulemaking. However, we do recognize that facilities that are currently awaiting approval will reasonably be expected to be evaluated under the new criteria of this rule. We have included a discussion of these facilities in the analysis for the final rule.

The same commenter said that the economic analysis failed to consider the full scope of small entities potentially affected by the rule. The commenter stated that we should include possible impacts on farming activities in Southern and Western States that could be impacted by phytosanitary threats that are intended to be mitigated by cold treatment.

We disagree. As stated previously, we believe that the additional specific safeguarding measures that will be required at a given facility under compliance agreement in a Southern or Western State will adequately mitigate the phytosanitary threats presented. If threats cannot be adequately mitigated, a facility or specific commodities will not be approved.

Fumigation Treatment and Compliance Agreements

We proposed to add a section to the regulations concerning fumigation treatment found in § 305.5 to provide that fumigation treatment facilities outside the United States enter into a compliance agreement, or an equivalent agreement such as a workplan agreement, with APHIS.

Upon further consideration, we have decided not to finalize this requirement at this time. The vast majority of fumigations performed outside the United States are done in connection with importation of regulated wood articles, such as Chinese wooden handicrafts, for which there are already compliance agreements or workplan agreements in place with the production facilities, or international agreements on treatment with certification through the International Plant Protection Convention. We will continue to closely monitor the issue and address any problems that arise on a case-by-case basis. If circumstances dictate a need for greater APHIS oversight of these facilities, we will respond accordingly.

We also proposed, when fumigation of imported plants and plant products is conducted domestically, to require that importers enter into a compliance agreement with APHIS, and agree to comply with any requirements deemed necessary by the Administrator.

After further evaluation, we have determined that this proposed requirement is unnecessary. We proposed the requirement in order to establish consistency between requirements for the application of fumigation treatment of imported products, and the application of irradiation treatment for imported products.

In so doing, however, we failed to adequately consider an important distinction between the two types of treatment: Approved irradiation facilities are often not located in port environs, and are sometimes located hundreds of miles from ports of entry, fumigation is almost always conducted within port of entry environs, and, in the few instances when it is not, there are many long-standing mechanisms in place to ensure chain of custody and safeguarded transit to the fumigation facility. Accordingly, while requiring importers to enter into compliance agreements plays a vital role in ensuring adequate safeguarding of imported commodities during their transit from ports of entry to irradiation facilities, there is no corresponding need for compliance agreements for articles destined for fumigation.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Orders 13771 and 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866 and, therefore, has not been reviewed by the Office of Management and Budget. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866. Further, APHIS considers this rule to be a deregulatory action under E.O. 13771 as it will eliminate the need for specific rulemaking for the establishment of cold treatment facilities, thus reducing the time needed for approval of cold treatment facilities without affecting the analysis or mitigation of risk.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available on the *Regulations.gov* website (see footnote 3 in this document for a link to *Regulations.gov*) or by contacting the

person listed under **FOR FURTHER INFORMATION CONTACT**.

We are establishing general criteria for new cold treatment facilities in the Southern and Western United States. These general criteria will be supplemented as necessary by additional measures, as described in the facility's compliance agreement and based on its location and on the pests of concern associated with the regulated articles that will be treated at the facility. APHIS approval of new facilities will not require specific rulemaking. By eliminating the need for specific rulemaking for the establishment of cold treatment facilities, considerable time savings in bringing a new facility online may be achieved. A significant portion of the time needed to approve a new facility is due to the rulemaking process. This rule will reduce the time needed for approval of cold treatment facilities without affecting the analysis or mitigation of risk. The rule will simply set forth the general criteria, not approve any new facilities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements included in this final rule, which were filed under 0579–0450, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the EGovernment Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

List of Subjects in 7 CFR Part 305

Irradiation, Phytosanitary treatment, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we are amending 7 CFR part 305 as follows:

PART 305—PHYTOSANITARY TREATMENTS

■ 1. The authority citation for part 305 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 305.1 is amended by adding in alphabetical order a definition for *treatment facility* to read as follows:

§ 305.1 Definitions.

* * * * *

Treatment facility. Any APHIS-certified place, warehouse, or approved enclosure where a treatment is conducted to mitigate a plant pest.

* * * * *

■ 3. Section 305.5 is amended as follows:

■ a. By redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c).

■ b. By adding an OMB citation at the end of the section.

The additions read as follows:

§ 305.5 Chemical treatment requirements.

* * * * *

(c) *Compliance agreements.* Any person who conducts a fumigation in the United States or operates a facility where fumigation is conducted in the United States for phytosanitary purposes must sign a compliance agreement with APHIS.

(1) *Fumigation treatment facilities treating imported articles; compliance agreements with facility operators for fumigation in the United States.* If fumigation treatment of imported articles is conducted in the United States, the fumigation treatment facility operator or the person who conducts fumigation must sign a compliance agreement with APHIS. The fumigation facility operator or the person who conducts fumigation must agree to comply with the requirements of this section and any additional requirements found necessary by APHIS to prevent the escape of any pests of concern that may be associated with the articles to be treated.

(2) *Fumigation treatment facilities treating articles moved interstate from Hawaii and U.S. territories.* Fumigation treatment facilities treating articles moved interstate from Hawaii and U.S. territories must complete a compliance agreement with APHIS as provided in § 318.13–3(d) of this chapter.

(3) *Fumigation treatment facilities treating articles moved interstate from areas quarantined for fruit flies.* Fumigation treatment facilities treating articles moved interstate from areas quarantined for fruit flies must complete a compliance agreement with APHIS as provided in § 301.32–6 of this chapter.

(4) *Fumigation treatment facilities treating articles moved interstate from areas quarantined for Asian citrus psyllid.* Fumigation treatment facilities treating articles moved interstate from areas quarantined only for Asian citrus psyllid, and not for citrus greening, must complete a compliance agreement with APHIS as provided in § 301.76–8 of this chapter.

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0450)

■ 4. Section 305.6 is amended as follows:

■ a. In paragraph (a) introductory text, by adding two sentences before the last sentence.

■ b. By redesignating paragraph (a)(2) as paragraph (a)(3).

■ c. By adding new paragraph (a)(2).

■ d. By revising paragraphs (b) and (d)(15).

■ e. In paragraph (e), by adding two sentences at the end of the paragraph.

■ f. By revising paragraph (f).

■ g. By removing paragraphs (g) and (h).

■ h. By adding an OMB citation at the end of the section.

The additions and revisions read as follows:

§ 305.6 Cold treatment requirements.

(a) * * * A facility will only be certified or recertified if the Administrator determines that the location of the facility is such that those Federal agencies involved in its operation and oversight have adequate resources to conduct the necessary operations at the facility, that the pest risks can be managed at that location, and that the facility meets all criteria for

approval. Other agencies that have regulatory oversight and requirements must concur in writing with the establishment of the facility prior to APHIS approval. * * *

* * * * *

(2) Be capable of preventing the escape and spread of pests while regulated articles are at the facility; and

* * * * *

(b)(1) *Location of facilities.* Where certified cold treatment facilities are available, an approved cold treatment may be conducted for any imported regulated article either prior to shipment to the United States or in the United States. For any regulated article moved interstate from Hawaii or U.S. territories, cold treatment may be conducted either prior to movement to the mainland United States or in the mainland United States. Cold treatment facilities may be located in any State on the mainland United States. For cold treatment facilities located in the area south of 39° latitude and west of 104° longitude, the following additional conditions must be met:

(i) Prospective facility operators must submit a detailed layout of the facility site and its location to APHIS. APHIS will evaluate plant health risks based on the proposed location and layout of the facility site. APHIS will only approve a proposed facility if the Administrator determines that regulated articles can be safely transported to the facility from the port of entry or points of origin in the United States.

(ii) The government of the State in which the facility is to be located must concur in writing with the location of the facility or, if it does not concur, must provide a written explanation of concern based on pest risks. In instances where the State government does not concur with the proposed facility location, and provides a written explanation of concern based on pest risks, APHIS and the State must agree on a strategy to resolve the pest risk concerns prior to APHIS approval. If the State does not provide a written explanation of concern based on pest risks, then State concurrence will not be required before APHIS approves the facility location.

(iii) Untreated articles may not be removed from their packaging prior to treatment under any circumstances.

(iv) The facility must have contingency plans, approved by APHIS, for safely destroying or disposing of regulated articles if the facility is unable to properly treat a shipment.

(v) The facility may only treat articles approved by APHIS for treatment at the facility. Approved articles will be listed in the compliance agreement required in paragraph (f) of this section.

(vi) Arrangements for treatment must be made before the departure of a consignment from its port of entry or points of origin in the United States. APHIS and the facility must agree on all parameters, such as time, routing, and conveyance, by which the consignment will move from the port of entry or points of origin in the United States to the treatment facility. If APHIS and the facility cannot reach agreement in advance on these parameters then no consignments may be moved to that facility until an agreement has been reached.

(vii) Regulated articles must be conveyed to the facility in a refrigerated (via motorized refrigeration equipment) conveyance at a temperature that minimizes the mobility of the pests of concern for the article.

(viii) The facility must apply all post-treatment safeguards required for certification under paragraph (a) of this section before releasing the articles.

(ix) The facility must remain locked when not in operation.

(x) The facility must maintain and provide APHIS with an updated map identifying places where horticultural or other crops are grown within 4 square miles of the facility. Proximity of host material to the facility will necessitate trapping or other pest monitoring activities, funded by the facility, to help prevent establishment of any escaped pests of concern, as approved by APHIS; these activities will be listed in the compliance agreement required in paragraph (f) of this section. The treatment facility must have a pest management plan within the facility.

(xi) The facility must comply with any additional requirements including, but not limited to, the use of pest-proof packaging and container seals, that APHIS may require to prevent the escape of plant pests during transport to and from the cold treatment facility itself, for a particular facility based on local conditions, and for any other risk factors of concern. These activities will be listed in the compliance agreement required in paragraph (f) of this section.

(2) For articles that are moved interstate from areas quarantined for fruit flies, cold treatment facilities may be located either within or outside of the quarantined area. If the articles are treated outside the quarantined area, they must be accompanied to the facility by a limited permit issued in accordance with § 301.32–5(b) of this chapter and must be moved in accordance with any safeguards determined to be appropriate by APHIS.

* * * * *

(d) * * *

(15) An inspector will sample and cut fruit from each consignment after it has been cold treated to monitor treatment effectiveness. If a single live pest of concern in any stage of development is found, the consignment will be held until an investigation is completed and appropriate remedial actions have been implemented. If APHIS determines at any time that the safeguards contained in this section do not appear to be effective against the pests of concern, APHIS may suspend the importation of fruits from the originating country and conduct an investigation into the cause of the deficiency. APHIS may waive the sampling and cutting requirement of paragraph (d)(15) of this section, provided that the national plant protection organization (NPPO) of the exporting country has conducted such sampling and cutting in the exporting country as part of a biometric sampling protocol approved by APHIS.

* * * * *

(e) * * * Facilities must be located within the local commuting area for APHIS employees for inspection purposes. Facilities treating imported articles must also be located within an area over which the U.S. Department of Homeland Security is assigned authority to accept entries of merchandise, to collect duties, and to enforce the provisions of the customs and navigation laws in force.

(f) *Compliance agreements.* Any person who operates a facility where cold treatment is conducted for phytosanitary purposes must sign a compliance agreement with APHIS.

(1) *Compliance agreements with importers and facility operators for cold treatment in the United States.* If cold treatment of imported articles is conducted in the United States, both the importer and the operator of the cold treatment facility or the person who conducts the cold treatment must sign compliance agreements with APHIS. In the importer compliance agreement, the importer must agree to comply with any additional requirements found necessary by APHIS to ensure the shipment is not diverted to a destination other than an approved treatment facility and to prevent escape of plant pests from the articles to be treated during their transit from the port of first arrival to the cold treatment facility in the United States. In the facility compliance agreement, the facility operator or person conducting the cold treatment must agree to comply with the requirements of this section and any additional requirements found necessary by APHIS to prevent the

escape of any pests of concern that may be associated with the articles to be treated.

(2) *Compliance agreements with cold treatment facilities outside the United States.* If cold treatment of imported articles is conducted outside the United States, the operator of the cold treatment facility must sign a compliance agreement or an equivalent agreement with APHIS and the NPPO of the country in which the facility is located. In this agreement, the facility operator must agree to comply with the requirements of this section, and the NPPO of the country in which the facility is located must agree to monitor that compliance and inform the Administrator of any noncompliance.

(3) *Cold treatment facilities treating articles moved interstate from Hawaii and U.S. territories.* Cold treatment facilities treating articles moved interstate from Hawaii and the U.S. territories must complete a compliance agreement with APHIS as provided in § 318.13–3(d) of this chapter.

(Approved by the Office of Management and Budget under control number 0579–0450)

■ 5. Section 305.9 is amended by revising paragraphs (a)(1)(ii) and (vi) to read as follows:

§ 305.9 Irradiation treatment requirements.

* * * * *

(a) * * *

(1) * * *

(ii) The government of the State in which the facility is to be located must concur in writing with the location of the facility or, if it does not concur, must provide a written explanation of concern based on pest risks. In instances where the State government does not concur with the proposed facility location, and provides a written explanation of concern based on pest risks, APHIS and the State must agree on a strategy to resolve the pest risk concerns prior to APHIS approval. If the State does not provide a written explanation of concern based on pest risks, then State concurrence will not be required before APHIS approves the facility location.

* * * * *

(vi) Arrangements for treatment must be made before the departure of a consignment from its port of entry or points of origin in the United States. APHIS and the facility must agree on all parameters, such as time, routing, and conveyance, by which the consignment will move from the port of entry or points of origin in the United States to the treatment facility. If APHIS and the facility cannot reach agreement in advance on these parameters then no consignments may be moved to that facility until an agreement has been reached.

* * * * *

Done in Washington, DC, this 6th day of February 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–02694 Filed 2–9–18; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1282

RIN 2590–AA81

2018–2020 Enterprise Housing Goals

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is issuing a final rule on the housing goals for Fannie Mae and Freddie Mac (the Enterprises) for 2018 through 2020. The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (the Safety and Soundness Act) requires FHFA to establish annual housing goals for mortgages purchased by the Enterprises. The housing goals include separate categories for single-family and multifamily mortgages on housing that is affordable to low-income and very low-income families, among other categories.

The final rule establishes the benchmark levels for each of the housing goals and subgoals for 2018 through 2020. In addition, the final rule makes a number of clarifying and conforming changes, including revisions to the requirements for the housing plan that an Enterprise may be required to submit to FHFA in response to a failure to achieve one or more of the housing goals or subgoals.

DATES: The final rule is effective on March 14, 2018.

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SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory and Regulatory Background for the Existing Housing Goals

The Safety and Soundness Act requires FHFA to establish annual housing goals for several categories of both single-family and multifamily mortgages purchased by Fannie Mae and Freddie Mac.[1] The annual housing goals are one measure of the extent to which the Enterprises are meeting their public purposes, which include ''an affirmative obligation to facilitate the financing of affordable housing for low- and moderate-income families in a manner consistent with their overall public purposes, while maintaining a strong financial condition and a reasonable economic return.'' [2]

The housing goals provisions of the Safety and Soundness Act were substantially revised in 2008 with the enactment of the Housing and Economic Recovery Act, which amended the Safety and Soundness Act.[3] Under this revised structure, FHFA established housing goals for the Enterprises for 2010 and 2011 in a final rule published on September 14, 2010.[4] FHFA established housing goals levels for the Enterprises for 2012 through 2014 in a final rule published on November 13, 2012.[5] In a final rule published on September 3, 2015, FHFA announced the housing goals for the Enterprises for 2015 through 2017, including a new small multifamily low-income housing subgoal.[6]

Single-family goals. The single-family goals defined under the Safety and Soundness Act include separate categories for home purchase mortgages for low-income families, very low-income families, and families that reside in low-income areas. Performance on the single-family home purchase goals is measured as the percentage of the total home purchase mortgages purchased by an Enterprise each year that qualify for each goal or subgoal. There is also a separate goal for refinancing mortgages for low-income families, and performance on the refinancing goal is determined in a similar way.

Under the Safety and Soundness Act, the single-family housing goals are limited to mortgages on owner-occupied housing with one to four units total. The single-family goals cover conventional, conforming mortgages, defined as mortgages that are not insured or

[1] *See* 12 U.S.C. 4561(a).

[2] *See* 12 U.S.C. 4501(7).

[3] Housing and Economic Recovery Act of 2008, Public Law 110–289, 122 Stat. 2654 (July 30, 2008).

[4] *See* 75 FR 55892.

[5] *See* 77 FR 67535.

[6] *See* 80 FR 53392.

guaranteed by the Federal Housing Administration (FHA) or another government agency and with principal balances that do not exceed the loan limits for Enterprise mortgages.

Market measurement. The performance of the Enterprises on the single-family housing goals is evaluated using a two-part approach, which compares the goal-qualifying share of the Enterprise's mortgage purchases to two separate measures: A benchmark level and a market level. FHFA considered alternatives to this method in the 2015–2017 housing goals rulemaking and determined that the two-part approach continued to be the most appropriate method for evaluating performance on the single-family goals. FHFA is continuing that approach in this final rule.

In order to meet a single-family housing goal or subgoal, the percentage of mortgage purchases by an Enterprise that meet each goal or subgoal must meet or exceed either the benchmark level or the market level for that year. The benchmark level is set prospectively by rulemaking based on various factors, including FHFA's forecast of the goal-qualifying share of the overall market for each year. The market level is determined retrospectively each year, based on the actual goal-qualifying share of the overall market as measured by FHFA based on Home Mortgage Disclosure Act (HMDA) data for that year. The overall mortgage market that FHFA uses for both the prospective market forecasts and the retrospective market measurement consists of all single-family owner-occupied conventional conforming mortgages that would be eligible for purchase by either Enterprise. It includes loans reported in HMDA as sold to the Enterprises as well as comparable loans reported to HMDA as held in a lender's portfolio. It also includes comparable loans that are reported in HMDA as ''sold to others.'' This category includes loans reported as sold to Farmer Mac, private securitization, commercial banks, savings banks, life insurance companies, credit unions, mortgage bank and finance companies and their affiliates. Because HMDA data is reported as of a single point in time, the same loan could be reported in any of these categories in a particular calendar year, regardless of the ultimate disposition of the loan.

The market as measured based on HMDA data is different from the ''actual market'' of loans that an Enterprise may purchase for purposes of meeting the goals. Both the benchmark level and the retrospective market level measure the goal-qualifying share of the overall market for the year in question and exclude ''seasoned loans.'' Seasoned loans are loans that were originated in prior years and acquired by the Enterprise in the current year. While both the benchmark and the retrospective market measure are designed to measure the current year's mortgage originations, the performance of the Enterprises on the housing goals includes all Enterprise purchases in that year, regardless of the year in which the loan was originated. This provides housing goals credit when the Enterprises acquire qualified seasoned loans. The Enterprises' acquisition of seasoned loans provides an important source of liquidity for this market segment.

The market as measured based on HMDA data is also different from the ''actual market'' because the ''actual market'' includes loans from institutions that are not required to report under HMDA.[7] For instance, Bhutta, Laufer, and Ringo (2017) estimate that loans in HMDA data for 2016 represented 90% of the first-lien, home purchase and refinance loans found in Equifax's consumer credit files.[8]

The differences between the market as measured based on HMDA data and the ''actual market'' of loans available for purchase by the Enterprises may help explain why Enterprise performance on the income-based home purchase goals generally do not coincide with the market as measured by HMDA. As noted by commenters on the proposed rule, between 2010–2015, each Enterprise met the retrospective HMDA market level for the low-income home purchase goal in only one year (2014 for Fannie Mae and 2010 for Freddie Mac), and only one Enterprise met the retrospective HMDA market level for the very low-income home purchase goal in one year (2014 for Fannie Mae). While the performance of the Enterprises has generally lagged the retrospective HMDA market levels, particularly for the income-based home purchase goals, FHFA continues to believe that the HMDA market levels represent feasible targets for the Enterprises. FHFA expects the Enterprises to continue to make efforts to meet the retrospective HMDA market levels, consistent with maintaining safe and sound credit quality standards, regardless of whether the market levels exceed or fall below the benchmark levels.

Recent changes to the HMDA regulations will likely result in the HMDA data covering an even greater portion of the single-family mortgage market.[9] The changes will also provide more detailed information about the loans included in the HMDA data. The changes to the HMDA regulations generally took effect at the start of 2018, so the new, more detailed information will not be available until after the 2018 performance year.

FHFA has considered the possible impact that certain changes to the HMDA regulations may have on the Enterprise housing goals. However, at this time the impact that such changes might have on the retrospective measure of the market is uncertain. FHFA is not making any changes to the Enterprise housing goals in anticipation of the revised HMDA data. FHFA will assess the impact of the changes and, if necessary, may propose changes to the housing goals regulation at a later date.

Multifamily goals. The multifamily goals defined under the Safety and Soundness Act include separate categories for mortgages on multifamily properties (properties with five or more units) with rental units affordable to low-income families and for mortgages on multifamily properties with rental units affordable to very low-income families. FHFA has also established by regulation a small multifamily low-income subgoal for properties with 5–50 units. The multifamily goals evaluate the performance of the Enterprises based on numeric targets, not percentages, for the number of affordable units in properties backed by mortgages purchased by an Enterprise. The regulation does not include a retrospective market level measure for the multifamily goals and subgoals, due in part to a lack of comprehensive data about the multifamily market such as that provided by HMDA for single-family mortgages. As a result, FHFA currently measures Enterprise multifamily goals performance against the benchmark levels only. The expanded HMDA fields that will be available for the 2018 performance year are expected to include information on the number of units in the properties securing each multifamily loan and should be helpful in evaluating performance for this market segment.

[7] *See https://www.ffiec.gov/hmda/pdf/2017letter.pdf* for complete list of institutions required to report under HMDA. For 2016, this included depositories with greater than $44 million in assets and non-depositories with greater than $10 million in assets that originated more than 100 home purchase and refinance loans.

[8] *See https://www.federalreserve.gov/publications/files/2016_HMDA.pdf.*

[9] *See* Home Mortgage Disclosure Act final rule, 80 FR 66128 (Oct. 28, 2015).

B. Adjusting the Housing Goals

Under the housing goals regulation first established by FHFA in 2010, as well as under this final rule, FHFA may reduce the benchmark levels for any of the single-family or multifamily housing goals in a particular year without going through notice and comment rulemaking based on a determination by FHFA that (1) market and economic conditions or the financial condition of the Enterprise require a reduction, or (2) ''efforts to meet the goal or subgoal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of the Safety and Soundness Act or the purposes of the Charter Acts.'' [10] The housing goals regulation also takes into account the possibility that achievement of a particular housing goal may or may not have been feasible for the Enterprise. If FHFA determines that a housing goal was not feasible for the Enterprise to achieve, then the regulation provides for no further enforcement of that housing goal for that year.[11]

If after publication of this final rule FHFA determines that any of the single-family or multifamily housing goals should be adjusted in light of market conditions, to ensure the safety and soundness of the Enterprises, or for any other reason, FHFA will take steps as necessary and appropriate to adjust that goal. Such steps could include adjusting the benchmark levels through the processes in the existing regulation or establishing revised housing goal levels through notice and comment rulemaking.

C. Housing Goals Under Conservatorship

On September 6, 2008, FHFA placed each Enterprise into conservatorship. Although the Enterprises remain in conservatorship at this time, they continue to have the mission of supporting a stable and liquid national market for residential mortgage financing. FHFA has continued to establish annual housing goals for the Enterprises and to assess their performance under the housing goals each year during conservatorship.

II. Proposed Rule and Comments

FHFA published a proposed rule in the **Federal Register** on July 7, 2017 that proposed benchmark levels for each of the single-family and multifamily housing goals and technical changes to the regulations.[12] The comment period ended on September 5, 2017.

FHFA received 24 comment letters on the proposed rule, representing the views of more than 40 organizations and individuals. Comments were submitted by seven individuals; eight policy advocacy organizations; seven trade associations representing lenders, home builders, credit unions, and other mortgage market participants; and Fannie Mae and Freddie Mac. FHFA has reviewed and considered all of the comments. A number of comment letters raised issues unrelated to the housing goals or beyond the scope of the proposed rule, and those comments are not addressed in this final rule. Specific provisions of the proposed rule, and the comments received on those provisions, are discussed below and throughout this final rule.

Qualitative Measures. Four commenters—a trade organization, an advocacy organization, and Fannie Mae and Freddie Mac—suggested that FHFA consider qualitative efforts when evaluating the performance of the Enterprises under the housing goals, including building partnerships with community-based organizations and developing new or innovative products. Freddie Mac highlighted efforts like outreach, education, and relationship building with organizations, which take time and energy to create and maintain, but noted that these activities are not technically counted until they result in actual loan purchases. Fannie Mae stated that qualitative measures should be taken into account when determining whether the goals were met. Fannie Mae also suggested that qualitative measures should be considered by FHFA in determining whether an Enterprise should be required to submit a housing plan. FHFA recognizes that the quantitative performance outcomes of the Enterprises may not fully reflect the efforts that the Enterprises have made in seeking to improve their performance. In particular, quantitative measures will not always reflect the impact of market developments outside the control of the Enterprises that may have a significant impact on the ability of the Enterprises to meet the housing goals. On the other hand, quantitative benchmarks provide a bright line for measuring performance that qualitative measures do not. In addition, FHFA does take into account the qualitative efforts of the Enterprises in attempting to meet the housing goals when FHFA assesses the feasibility of any housing goals that an Enterprise fails to achieve, as well as whether to require an Enterprise to submit a housing plan if the Enterprise fails to achieve a goal that was feasible. On balance, FHFA remains unconvinced about the value of adding qualitative factors to the benchmarks or of replacing quantitative benchmarks against which progress can be objectively measured.

Single-Family Rental. Two commenters discussed the treatment of single-family rental housing under the goals, recognizing that this is still an emerging segment. One comment letter (representing multiple consumer advocacy groups) noted that ''while our organizations have significant concerns about the Enterprises financing investors in the single-family rental market, if this financing becomes more firmly established as part of the Enterprise multifamily channel, it is critical that FHFA develop a goal that addresses affordability in this context.'' Further, noting that ''the Enterprises have always played a part in single-family rental by financing 2–4 unit properties owned by an owner-occupant,'' the letter recommended that FHFA offer ''bonus credit for owner-occupied 2–4 unit properties . . . when the owner has participated in a certified counseling program that includes landlord training.''

The other comment letter (from a trade organization) encouraged FHFA to develop an approach to single-family rental as a part of the multifamily goals and to provide clarity on whether single-family rental will be counted for multifamily housing goals, and if so, how it will be categorized and measured.

FHFA is actively monitoring this market segment and developing an overall regulatory approach to single-family rental. The housing goals regulation permits FHFA to ''determine whether and how any transaction or class of transactions shall be counted for purposes of the housing goals.'' [13] FHFA may provide specific guidance to the Enterprises under this provision that may allow the Enterprises to count some single-family rental properties that are financed as multifamily transactions toward the performance of the Enterprises on the multifamily housing goals. Any such guidance would be subject to appropriate limits to ensure that the overall multifamily housing goals continue to provide meaningful incentives for the Enterprises in the categories targeted by the housing goals. FHFA may also consider options to address single-family rental properties

[10] 12 CFR 1282.14(d).

[11] 12 CFR 1282.21(a).

[12] 82 FR 31514 (July 7, 2017).

[13] 12 CFR 1282.16(e).

more systematically through future notice and comment rulemaking.

Manufactured Housing—Chattel. One commenter stated that ''loans for owner-occupied real property and chattel manufactured home have always counted toward single-family housing goals, provided they meet the appropriate income threshold for the goal.'' This statement is not an accurate description of the housing goals regulation. Prior to 2010, the regulation defined the term ''mortgage'' to include a loan secured by ''a manufactured home that is personal property under the laws of the State in which the manufactured home is located.'' FHFA revised the definition in 2010 to remove this language and thus to exclude chattel loans on manufactured housing from coverage under the housing goals regulation. The Supplementary Information for the 2010 final rule recognized that the role of the Enterprises with respect to chattel loans on manufactured housing was subject to change, and also stated that ''FHFA may revise the definition of 'mortgage' in future rulemaking to ensure conformance with the final regulation on duty to serve.'' [14]

In December 2016, FHFA published a final rule implementing the statutory requirements for the Fannie Mae and Freddie Mac Duty to Serve underserved markets. The Duty to Serve final rule does not require the Enterprises to purchase chattel loans on manufactured housing, but the final rule does permit the Enterprises to receive Duty to Serve credit for such purchases to the extent that the Enterprises choose to pursue a pilot initiative for chattel loans on manufactured housing and any required FHFA approvals are received.[15]

While both Enterprises have adopted Duty to Serve plans to pursue pilot initiatives for chattel loans on manufactured housing, those plans are still in the early stages. In addition, because neither Enterprise has purchased chattel loans on manufactured housing in recent years, there is limited data available on the market for such loans or their performance. As a result, FHFA would be unable to set benchmark levels for this market segment or assess the impact of any Enterprise purchases on their housing goals performance. Due to the limited information available at this time, the final rule does not make any change to the housing goals treatment of chattel loans on manufactured housing. FHFA may propose changes in a future rulemaking based on its assessment of additional information that may become available, especially from Enterprise chattel pilot activities. If FHFA does propose a change in the definition of the term ''mortgage'' to include chattel loans on manufactured housing, FHFA will also need to size this market segment and appropriately adjust the benchmark levels upwards to reflect the new definition.

Blanket loans on Manufactured Housing Communities (MHCs). The housing goals regulation does not explicitly address blanket loans on MHCs, but FHFA has interpreted the regulation to exclude blanket loans on MHCs from counting toward the performance of the Enterprises under the multifamily housing goals. In the 2015–2017 Enterprise housing goals proposed rule, FHFA requested comment on whether such loans should be counted. FHFA received a number of comments at that time supporting housing goals credit for blanket loans on MHCs, but the final rule did not adopt that change due to the difficulty of accurately determining ''a manufactured housing unit's affordability under the housing goals, because bedroom count information on individual manufactured housing units in the communities is not collected by the Enterprises, and the pad rent alone does not include the full cost of housing for the residents, which includes paying for their unit financing.'' [16]

One commenter on the July 17, 2017 proposed rule stated that blanket loans on MHCs should be included for counting toward the housing goals, arguing that it would be inconsistent to include them in the Duty to Serve regulation but not in the housing goals regulation. The commenter stated that goals eligibility should include investor-owned rental communities as well as resident-owned communities, arguing that the former are the dominant segment of the MHC segment. The commenter further argued that housing goals credit should be limited to occupied units located in the community rather than the total number of rental spaces available. Given the large volume of the segment, the commenter asserted the proposed multifamily goals should be increased to ''reflect the expanded scope of the housing goals.''

Both Enterprises renewed their requests for FHFA to provide housing goals credit for blanket loans on manufactured housing communities (MHCs). Freddie Mac also suggested a different affordability standard than either of the two affordability methods defined in the Duty to Serve regulation. The Duty to Serve regulation includes two methods for estimating the number of units that could be counted as ''affordable'' for purposes of receiving Duty to Serve credit. For an MHC owned by a government unit or instrumentality, a nonprofit organization, or the residents, units in the MHC may be treated as affordable for Duty to Serve purposes if they are subject to affordability restrictions under laws or regulations governing the affordability of the community, or the community's or ownership entity's founding, chartering, governing, or financing documents. The Duty to Serve regulation also allows affordability for blanket loans on MHCs to be determined by estimating the affordability of units in the community based on the median income of the census tract in which the MHC is located. Freddie Mac proposed instead that FHFA determine affordability under the housing goals for blanket loans on MHCs based on an estimated ''MHC Adjustment Factor'' that would estimate the total housing cost for manufactured housing units based on the actual site rent plus an estimated utility allowance and an estimated additional amount to reflect the cost of the unit itself (including insurance and taxes).[17]

FHFA does not believe that it would be inconsistent to allow credit for blanket loans on MHCs under Duty to Serve while not allowing credit for such loans under the housing goals. The scope of activities included under the Duty to Serve regulation differs from the scope of activities covered by the housing goals. The Duty to Serve regulation addresses certain specific market segments identified by Congress in the Safety and Soundness Act, one of which is manufactured housing, and appropriately includes credit related to blanket loans on MHCs. In contrast, the housing goals are directed at the full range of Enterprise loan purchase activities and are designed to evaluate the performance of the Enterprises particularly in serving low- and very low-income borrowers and renters. While FHFA has determined not to include credit for blanket loans on MHCs in this final rule, FHFA will continue to monitor this market segment. Moreover, as discussed in more detail below, FHFA exempts

[14] 75 FR 55892, 55895 (Sept. 14, 2010).

[15] 81 FR 96242, 96251 (Dec. 29, 2016).

[16] 80 FR at 53429.

[17] FHFA found insufficient data supporting the Freddie Mac suggested ''MHC Adjustment Factor'' for determining affordability. The $450/unit estimate suggested by Freddie Mac was based on a very small and non-national sample, provided by an appraiser and is not suitable for a nationwide proxy.

blanket loans on MHCs from the annual Conservatorship Scorecard cap on multifamily mortgage purchases, to avoid discouraging the flow of capital to the MHC sector.

III. Summary of Final Rule

A. Benchmark Levels for the Single-Family Housing Goals

The final rule establishes the benchmark levels for the single-family housing goals and subgoal for 2018–2020 as follows:

Goal	Criteria	Benchmark level for 2015–2017 (percent)	Benchmark level for 2018–2020 (percent)
Low-Income Home Purchase Goal	Home purchase mortgages on single-family, owner-occupied properties with borrowers with incomes no greater than 80 percent of area median income.	24	24
Very Low-Income Home Purchase Goal.	Home purchase mortgages on single-family, owner-occupied properties with borrowers with incomes no greater than 50 percent of area median income.	6	6
Low-Income Areas Home Purchase Subgoal [18].	Home purchase mortgages on single-family, owner-occupied properties with:. • Borrowers in census tracts with tract median income no greater than 80 percent of area median income; or • Borrowers with incomes no greater than 100 percent of area median income in census tracts where (i) tract income is less than 100 percent of area median income, and (ii) minorities comprise at least 30 percent of the tract population..	14	14
Low-Income Refinancing Goal	Refinancing mortgages on single-family, owner-occupied properties with borrowers with incomes no greater than 80 percent of area median income.	21	21

B. Multifamily Housing Goal Levels

The final rule establishes the levels for the multifamily goal and subgoals for 2018–2020 as follows:

Goal	Criteria	Goal level for 2017 (units)	Goal level for 2018–2020 (units)
Low-Income Multifamily Goal	Units affordable to families with incomes no greater than 80 percent of area median income in multifamily rental properties with mortgages purchased by an Enterprise.	300,000	315,000
Very Low-Income Multifamily Subgoal.	Units affordable to families with incomes no greater than 50 percent of area median income in multifamily rental properties with mortgages purchased by an Enterprise.	60,000	60,000
Small Multifamily Low-Income Subgoal.	Units affordable to families with incomes no greater than 80 percent of area median income in small multifamily rental properties (5 to 50 units) with mortgages purchased by an Enterprise.	10,000	10,000

C. Other Changes

The final rule makes changes and clarifications to the existing regulation, including minor technical changes to some regulatory definitions. The final rule also revises the requirements applicable to the housing plan an Enterprise may be required to submit based on a failure to achieve one or more of the housing goals.

IV. Single-Family Housing Goals

This final rule establishes the single-family housing goals for 2018–2020. FHFA considered the required statutory factors described below in setting the benchmark levels for the single-family housing goals. FHFA's analysis and goal setting process includes developing market forecast models for each of the single-family housing goals, as well as considering a number of other variables that impact affordable homeownership. Many of these variables indicate that low-income and very low-income households are facing, and will continue to face, difficulties in achieving homeownership or in refinancing an existing mortgage. These factors, such as rising property values and stagnant household incomes, also impact the Enterprises' ability to meet their mission and facilitate affordable homeownership for low-income and very low-income households. Nevertheless, FHFA expects and encourages the Enterprises to work toward meeting their housing goal requirements in a safe and sound manner. This may include steps the Enterprises take to fulfill FHFA's expectations for supporting access to credit expressed in the Conservatorship Scorecard, which requires the Enterprises to undertake a number of

[18] The Enterprise housing goals also include a low-income areas home purchase goal. The low-income areas goal benchmark level is established by a two-step process. The first step is setting the benchmark level for the low-income areas subgoal, as established by this final rule. The second step is establishing an additional increment for mortgages to families located in federally-declared disaster areas with incomes less than or equal to AMI. Each year, FHFA sets the disaster area increment separately from this rule and notifies the Enterprises by letter of the benchmark level for that year. The final rule sets the annual low-income areas home purchase goal benchmark level for 2018 through 2020 at the subgoal benchmark level of 14 percent plus a disaster areas increment that FHFA will set separately each year.

research and related efforts including the development of pilots and initiatives.[19]

A. Setting the Single-Family Housing Goal Levels

FHFA Process for Setting the Single-Family Benchmark Levels

Section 1332(e)(2) of the Safety and Soundness Act requires FHFA to consider the following seven factors in setting the single-family housing goals:

1. National housing needs;
2. Economic, housing, and demographic conditions, including expected market developments;
3. The performance and effort of the Enterprises toward achieving the housing goals in previous years;
4. The ability of the Enterprises to lead the industry in making mortgage credit available;
5. Such other reliable mortgage data as may be available;
6. The size of the purchase money conventional mortgage market, or refinance conventional mortgage market, as applicable, serving each of the types of families described, relative to the size of the overall purchase money mortgage market or the overall refinance mortgage market, respectively; and
7. The need to maintain the sound financial condition of the Enterprises.[20]

FHFA has considered each of these seven statutory factors in setting the benchmark levels for each of the single-family housing goals and subgoal.

Recognizing that some of the factors required by statute to be considered can be readily captured using reliable data series while others cannot, FHFA implemented the following approach. FHFA's statistical market models considered factors that are captured through well-known and established data series, and these are then used to generate a point forecast for each goal, as well as a confidence interval for the point forecast. FHFA then considered the remaining statutory factors, as well as other relevant policy factors, in selecting the specific point forecast within the confidence interval as the benchmark level. FHFA's market forecast models incorporate four of the seven statutory factors: National housing needs; economic, housing, and demographic conditions; other reliable mortgage data; and the size of the purchase money conventional mortgage market or refinance conventional mortgage market for each single-family housing goal. The market forecast models generated a point estimate, as well as a confidence interval. FHFA then considered the remaining three statutory factors (historical performance and effort of the Enterprises toward achieving the housing goal; ability of the Enterprises to lead the industry in making mortgage credit available; and need to maintain the sound financial condition of the Enterprises), as well as other relevant policy factors, in selecting the specific point forecast within the confidence interval as the benchmark level for the goal period.

Market forecast models. The purpose of FHFA's market forecast models is to forecast the market share of the goal-qualifying mortgage originations in the market for the 2018–2020 period. The models are intended to generate reliable forecasts rather than to test various economic hypotheses about the housing market or to explain the relationship between variables. Following standard practice among forecasters and economists at other federal agencies, FHFA estimated a reduced-form equation for each of the housing goals and fit an Autoregressive Integrated Moving Average (or ARIMA) model to each goal share. The models look at the statistical relationship between (a) the historical market share for each single-family housing goal or subgoal, as calculated from monthly HMDA data, and (b) the historical values for various factors that may influence the market shares, *e.g.,* interest rates, inflation, house prices, home sales, the unemployment rate, and other factors. The models then project the future value of the affordable market share using forecast values of the model inputs. FHFA developed separate models for each of the single-family housing goals and subgoal.

FHFA has employed similar models in past housing goals rulemakings to generate market forecasts. The models were developed using monthly series generated from HMDA and other data sources, and the resulting monthly forecasts were then averaged into an annual forecast for each of the three years in the goal period. The models rely on 13 years of HMDA data, from 2004 to 2016, the latest year for which HMDA data are available. Additional discussion of the market forecast models can be found in an updated research paper, available at *http://www.fhfa.gov/PolicyProgramsResearch/Research/*.[21]

In the final rule establishing the housing goals for 2015–2017, FHFA stated that it would engage directly with commenters to obtain detailed feedback on FHFA's econometric models for the housing goals. Throughout 2016, FHFA met with industry modeling experts about potential improvements to the econometric models. Considering input received, FHFA has revised the market forecast models to include better specifications and new variables for all goal-qualifying shares, while still following generally accepted practices and standards adopted by economists, including those at other federal agencies. During the model development process, FHFA grouped factors that are expected by housing market economists to have an impact on the market share of affordable housing into seven broad categories. For each category of variables, many variables were tested but only retained when they exhibited predictive power. The new set of models includes new driver variables that reflect factors that impact the affordable housing market—for example, household debt service ratio, labor force participation rate, and underwriting standards.

As is the case with any forecasting model, the accuracy of the forecast will vary depending on the accuracy of the inputs to the model and the length of the forecast period. FHFA has attempted to minimize the first source of variability by using third party forecasts published by Moody's and other accredited mortgage market forecasters. The second source of variability is harder to address. The models underlying this final rule rely on the most up-to-date data available as of November 2017, and use forecasted input values for the rest of 2017 (depending on the data series) to produce the forecasts for 2018–2020. The confidence intervals for the benchmark levels become wider as the forecast period lengthens. In other words, it becomes more likely that the actual market levels will be different from the forecasts the farther into the future the forecasts attempt to make predictions. Predicting three years out is not the usual practice in forecasting. A number of industry forecasters, including the Mortgage Bankers Association (MBA), Fannie Mae and Freddie Mac, do not publish forecasts beyond two years because accuracy of forecasts decreases substantially beyond a two-year period.

Market outlook. There are many factors that impact the affordable

[19] *See 2017 Scorecard for Fannie Mae, Freddie Mac, and Common Securitization Solutions,* December 2016, available at *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/2017-Scorecard-for-Fannie-Mae-Freddie-Mac-and-CSS.pdf.*

[20] 12 U.S.C. 4562(e)(2).

[21] Details on FHFA's single-family market models are available in the most recent technical paper, ''The Size of the Affordable Mortgage Market: 2018–2020 Enterprise Single-Family Housing Goals.''

housing market as a whole, and changes to any one of them may significantly impact the ability of the Enterprises to meet the goals. In developing the market models, FHFA used Moody's forecasts, where available, as the source for macroeconomic variables.[22] In cases where Moody's forecasts were not available (for example, the share of government-guaranteed/insured home purchases and the share of government-guaranteed/insured refinances), FHFA generated and tested its own forecasts.[23] Elements that impact the models and the determination of benchmark levels are discussed below.

Interest rates are arguably one of the most important variables in determining the trajectory of the mortgage market. The Federal Reserve launched its ''interest rate normalization'' process in December 2015 with a 0.25 percentage point increase. In the September 2017 meeting of the Federal Open Market Committee (FOMC), the FOMC indicated a commitment to a low federal funds rate policy for the time being. Storm-related disruptions and rebuilding, resulting from hurricanes Harvey, Irma, and Maria, are expected to affect economic activity in the near term.[24] However, there is some consensus among economists that the Federal Reserve will resume rate hikes if the economic signals indicate a need for it. Mortgage interest rates—in particular the 30-year fixed rate, which is closely tied to the federal funds rate and the 10-year Treasury note yield—are expected (in Moody's forecasts) to rise gradually from the historic low of 3.4 percent in August 2016 to 4.8 percent by 2020.

The unemployment rate has fallen steadily over the last few years to 4.1 percent in November 2017.[25] Moody's forecasts expect it to remain around the same levels, between 4.1 and 4.5 percent over the next three years, given the expected growth of the economy at the modest range of 2.0 to 2.4 percent per year. Per capita disposable nominal income growth is forecast by Moody's to be modest as well: From $45,500 in 2018 to $48,400 in 2020. While household incomes are increasing slowly, the inflation rate is forecast to remain flat at 1.9 to 2.3 percent throughout the period, although that depends in the near term on the recovery from the recent hurricane devastation and Federal Reserve policy in the near and medium term.

Industry analysts generally expect the overall housing market to continue its recovery, although the growth of house prices is not expected to be as large as in the last few years given the interest rate environment. As forecast by Moody's, FHFA's purchase-only House Price Index (HPI) is forecast to increase at the annual rates of 3.8, 4.8, and 2.9 percent in 2018, 2019, and 2020, respectively.

The expected increase in mortgage interest rates and house prices will likely impact the ability of low- and very low-income households to purchase homes. Housing affordability, as measured by Moody's forecast of the National Association of Realtors' (NAR) Housing Affordability Index (HAI), is expected to decline from an index value of 156.5 in 2017 to 148.3 in 2020.[26]

Over the past few years, low interest rates coupled with rising house prices have created an incentive for many homeowners to refinance. The refinance share has increased from 39.9 percent of overall mortgage originations in 2014 to 47.4 percent in 2016. However, assuming that interest rates are going to rise over the next few years, Moody's forecasts that the refinance rate is expected to fall as low as 27 percent during the 2018 to 2020 period.

Additional factors reflecting affordability challenges in the single-family market. While FHFA's models can address and forecast many of the statutory factors that can make affordability for single-family homeownership more challenging for low-income and very low-income households, including increasing interest rates and rising property values, some factors are not captured in the models. FHFA, therefore, considers additional factors when selecting the benchmark level within the model-generated confidence interval for each of the single-family housing goals. Some of these additional factors may affect a subset of the market rather than the market as a whole. These factors include an uneven economic recovery, stagnant wages even where unemployment is decreasing, demographic trends, and the Enterprises' share of the mortgage market. Variability in these factors can also have a substantial impact on the ability of the Enterprises to meet the housing goals. Consequently, as discussed further below, FHFA will carefully monitor these factors and consider the potential impact of market shifts or larger trends on the ability of the Enterprises to achieve the housing goals.

Throughout 2016 and 2017, the economy and the housing market continued to recover from the financial crisis, but the recovery has been uneven across the country.[27] In some areas, economic growth, job gains, and demand are outpacing housing supply, sparking rapidly rising property values, while other areas of the country have not regained pre-crisis home values and are not projected to do so in the near future.

Income trends. Trends in factors such as area median income (AMI) point to a recovery in most areas in 2017. FHFA uses AMIs published by the U.S. Department of Housing and Urban Development (HUD) to determine affordability for Enterprise single-family and multifamily mortgage acquisitions. AMI is a measure of median family income derived from the Census Bureau's American Community Survey (ACS). Since the 1990s, AMIs have been used widely by HUD, state housing finance agencies, the Federal Deposit Insurance Corporation (FDIC), the U.S. Department of Treasury, and local governments across the nation to determine eligibility for various affordable housing and public assistance programs. The HUD-published AMIs are considered the standard benchmark in the affordable housing industry. HUD changed the methodology for determining AMIs in 2015 because of changes in the Census Bureau's data collection methodology and changes in the reporting schedules of the ACS data.

AMI shifts reflect changes in borrower income levels at the census tract level. In general, a decrease in an area's AMI represents a decline in housing affordability in the area because the

[22] The macroeconomic outlook described here is based on Moody's and other forecasts as of August 2017.

[23] This refers to the mortgages insured/guaranteed by government agencies such as FHA, Department of Veterans Affairs (VA), and Rural Housing Service (RHS).

[24] Board of Governors of the Federal Reserve System. *Federal Open Market Committee Press Release,* September 20, 2017.

[25] Bureau of Labor Statistics, *The Employment Situation—November 2017,* published on December 22, 2017.

[26] NAR's housing affordability index is a national index. It does not capture regional differences. It measures, nationally, whether an average family could qualify for a mortgage on a typical home. A typical home is defined as the national median-priced, existing single-family home as reported by NAR. An average family is defined as one earning the median family income. The calculation assumes a down payment of 20 percent of the home price and a monthly payment that does not exceed 25 percent of the median family income. An index value of 100 means that a family earning the median family income has exactly enough income to qualify for a mortgage on a median-priced home. An index value above 100 signifies that a family earning the median family income has more than enough income to qualify for a mortgage on a median-priced home. A decrease in the index value over time means that housing is becoming less affordable.

[27] National Association of Counties, ''County Economies 2016: Widespread Recovery, Slower Growth,'' February 2017: available at *http://www.naco.org/sites/default/files/documents/County-Economies-2016.pdf.*

households will have relatively less income with which to purchase a home where property values have either remained the same or increased during the same time period.[28] This can make it more challenging for the Enterprises to meet the housing goals. Conversely, increases in AMIs would make it easier for the Enterprises to meet the housing goals. While there are annual fluctuations in AMI, the trends over a longer period (for instance, over two years or more) indicate that the economy is recovering, albeit in an uneven manner. Over the five-year period from 2012 to 2017, AMIs increased in approximately 80 percent of counties nationwide, indicating a geographically wide-spread recovery. However, some areas experienced AMI decreases in some years. For example, from 2015 to 2016 there were AMI decreases concentrated in South Dakota, Arizona, Pennsylvania, West Virginia, North Carolina, and the coast of South Carolina.

Overall, there are multiple trends in the single-family market that indicate that lower income households that are seeking to buy a home are likely to continue to face difficulty affording homes. While mortgage rates and home prices are projected to rise, the backdrop remains one of slow increases in average household income (as indicated by the AMI), and it is likely that the resources for lower income households seeking to buy a home will remain stretched. The current high house price appreciation, which is projected to continue even at the lower end of the house price spectrum, coupled with a limited supply of lower priced homes (largely due to the lack of construction of lower priced homes) suggests that it will be more challenging for the Enterprises to meet the single-family home purchase goals.[29]

Additionally, many households have experienced stagnant wages or limited wage growth even though unemployment levels have decreased significantly since the peak of the financial crisis. Data released by the U.S. Census Bureau show that while median household income increased by 3.2 percent from 2015 to 2016, it was only the second year since 2007 that median household income increased.[30] Further, real median earnings were not statistically different in 2016 compared to 2015. Constrained wages, in addition to rising interest rates and increasing property values, could make it difficult for many low-income and very low-income households to achieve homeownership.

Demographic factors. Demographic changes, such as the housing patterns of millennials or the growth of minority households, also reflect challenges in the affordable homeownership market. The homeownership rate among millennials is lower than other demographic groups, but household formation will likely increase as this group ages. However, many millennials will face multiple challenges, including difficulty finding affordable homes to buy and building enough wealth for a down payment and closing costs, particularly in light of student loan and other debt burdens. Another continuing demographic trend is the growth of minority households, which is projected to be over 70 percent of net household growth through 2025.[31] Because the median net worth of minority households historically has been low, building the necessary wealth to meet down payment and closing costs will likely also continue to be a challenge for many of these new households.

FHFA is committed to identifying new market conditions and challenges and working with the Enterprises to identify solutions to help meet these challenges. The effectiveness of these solutions, however, cannot be accounted for in a model.

Enterprise market share. Another factor that can affect the Enterprises' ability to support affordable homeownership for low-income and very low-income households is the Enterprises' overall share of the mortgage market, which has fluctuated over time. Graph 1 shows the distribution of conforming mortgage originations by market segment from 2011–2016. The Enterprises' share of the market was at its lowest immediately before and directly after the housing crisis in 2008, at around 45 percent. After that period, the Enterprises' share rose steadily for many years, but began to decline from a peak of 67 percent in 2013, accounting for about 53 percent of the market in 2016. Similarly, the total government share of the mortgage market remained stable for many years after the housing crisis, but expanded to 29 percent in 2015 and 28 percent in 2016, up from 25 percent in 2014.

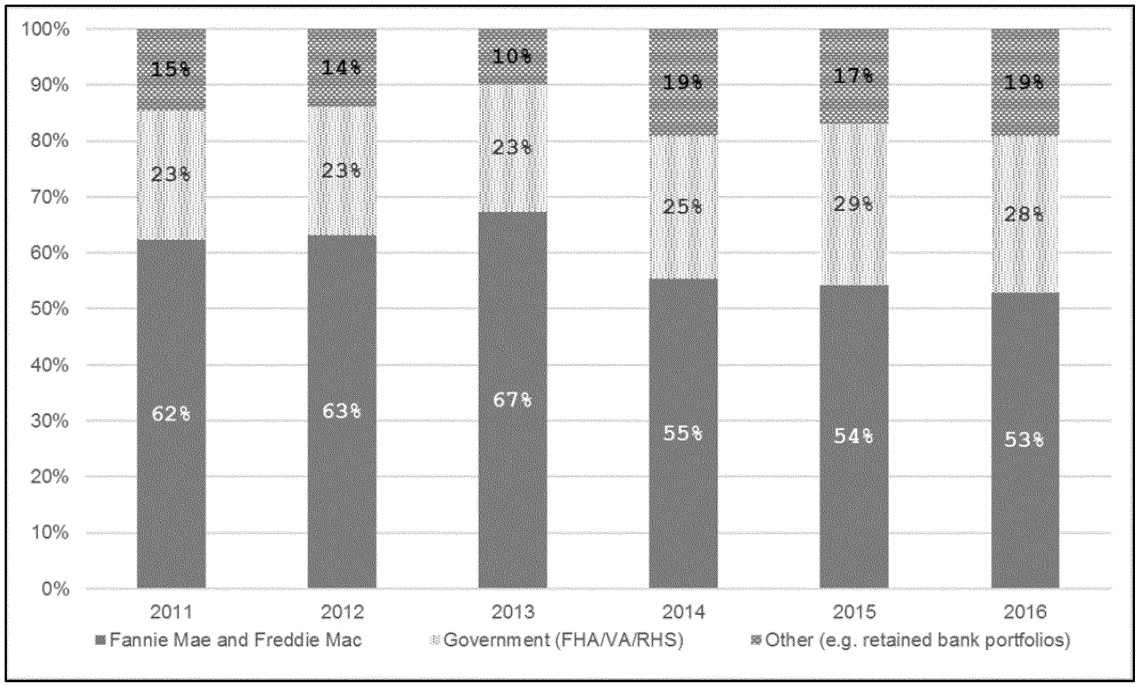
[28] The supply of single-family homes at the more affordable end of the market also impacts a low-income or very low-income household's ability to purchase a home. *See The State of the Nation's Housing 2017,* Joint Center for Housing Studies of Harvard University, June 2017.

[29] For example, according to the *State of the Nation's Housing 2017 Report,* the construction of single-family homes has shifted toward larger, more expensive homes in recent years. The share of small-size single-family homes (under 1,800 square feet) dropped from 37 percent of all construction completions to 21 percent in 2015, while the share of large-size homes (over 3,000 square feet) almost doubled from 17 percent to 31 percent.

[30] *See Income and Poverty in the United States: 2016,* United States Census Bureau, September 2017: *https://www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf.*

[31] Daniel McCue, Christopher Herbert, *Working Paper: Updated Household Projections, 2015–2035: Methodology and Results,* Joint Center for Housing Studies of Harvard University, December 2016.

Graph 1: Distribution of Conforming Mortgage Originations by Market Segment



Source: HMDA Plus, Fannie Mae, Freddie Mac, FHA, VA, and RHS

As discussed in the proposed rule, FHFA's analysis of the mortgage insurance market indicates that a substantial share of the conforming market could switch from private mortgage insurance to FHA insurance if FHA premiums are reduced by similar magnitudes as in the past. FHFA will continue to pay close attention to any changes in the mortgage insurance market.

As discussed above, multiple factors impact the Enterprises' ability to meet their mission and support affordable homeownership through the housing finance market. Nevertheless, FHFA expects the Enterprises to continue efforts in a safe and sound manner to support affordable homeownership under the single-family housing goals categories.

B. Single-Family Benchmark Levels

1. Low-Income Home Purchase Goal

The low-income home purchase goal is based on the percentage of all single-family, owner-occupied home purchase mortgages purchased by an Enterprise that are for low-income families, defined as families with incomes less than or equal to 80 percent of AMI. The final rule sets the annual low-income home purchase housing goal benchmark level for 2018–2020 at 24 percent, the same as the 2015–2017 benchmark level. FHFA has determined that, despite the various challenges to affordability highlighted above, the Enterprises will be able to take steps to maintain or increase their performance on this goal. The 24 percent benchmark level will serve as an appropriate target that will channel Enterprise efforts in this segment.

TABLE 1—ENTERPRISE LOW-INCOME HOME PURCHASE GOAL

	Historical performance (year)				Projected performance (year)			
	2013	2014	2015	2016	2017	2018	2019	2020
Benchmark (%)	23	23	24	24	24	24	24	24
Actual Market* (%)	24.0	22.8	23.6	22.9	21.9 +/−2.5	22.7 +/− 4.3	24.4 +/− 5.5	24.3 +/−6.5
Fannie Mae:								
Low-Income Purchase	193,712	177,846	188,891	221,628				
Total Home Purchase	814,137	757,870	802,432	966,800				
% Low-Income	23.8	23.5	23.5	22.9				
Freddie Mac:								
Low-Income Purchase	93,478	108,948	129,455	153,434				
Total Home Purchase	429,158	519,731	579,340	644,988				
% Low-Income	21.8	21.0	22.3	23.8				

*Market forecast shown for 2017–2020.

Recent performance and forecasts. As shown in Table 1, performance at both Enterprises fell short of the benchmark level for the low-income home purchase goal in 2015 and 2016, and both Enterprises missed both the benchmark level and the market level for the low-income home purchase goal in 2015. Both Enterprises met this goal in 2016 by exceeding the market level. Recent past performance of the Enterprises indicates that it has been difficult for the Enterprises to consistently exceed the benchmark level and lead this market segment in making credit available.

From 2013 to 2014, the low-income home purchase market decreased from 24.0 percent to 22.8 percent. In 2015, the market rebounded to 23.6 percent and then decreased to 22.9 percent in 2016. FHFA's current model forecasts that the market for this goal will continue to decrease to 21.9 percent in 2017 before increasing to 22.7 percent in 2018, 24.4 percent in 2019 and 24.3 in 2020. The actual market for each of these years will be calculated by FHFA using HMDA data for the year when it becomes available.

Although the Enterprises have been challenged in meeting the single-family housing goal levels in recent years, each Enterprise has increased the number of single-family home purchase loans it has purchased that were made to low-income households. Fannie Mae's eligible single-family loan purchases increased from 193,712 loans in 2013 to 221,628 in 2016. Freddie Mac's eligible single-family loan purchases increased from 93,478 in 2013 to 153,434 in 2016.

Proposed rule and comments. In the proposed rule, FHFA proposed maintaining the benchmark level for 2018–2020 at the 2015–2017 level of 24 percent. At that time, using data through December 2016, the average market level forecast for 2018–2020 was 24.2 percent. Since the publication of the proposed rule, FHFA updated the model using data through November 2017 and additional 2016 data from HMDA and Moody's. The updated FHFA model forecasts that the market for this goal will be slightly lower, with the average forecast at 23.8 percent.

Five comment letters expressed support for the proposed benchmark levels for the single-family goals, including the low-income home purchase goal. Commenters commended FHFA for appropriately challenging the Enterprises while taking into account safety and soundness and the realities of the mortgage market. Four comments endorsed a higher benchmark level for the low-income home purchase goal. These commenters recommended setting the low-income goal benchmark at levels between 27 and 30 percent, arguing that more aggressive targets will encourage focus on this income segment, which will benefit consumers and improve access to credit. Only one commenter (Fannie Mae) asserted that the proposed benchmark level for the low-income home purchase goal was too high, and should be lowered to 21 percent. The letter cited ongoing market challenges that make it difficult to meet the benchmark level, including the lack of supply of moderately-priced homes and limited job growth.

FHFA determination. Consistent with the proposed rule, the final rule sets the benchmark level for the low-income home purchase housing goal at 24 percent. This is slightly above the average market forecast for the three years, to encourage the Enterprises to continue to find ways to support lower income borrowers while not compromising safe and sound lending standards. Even though the benchmark is slightly higher than the average market forecast for this goal, due to the two-part nature of the goals, the level that will be used to judge the Enterprises' year-end performance will be the lower of the market level or the benchmark. Therefore, the 24 percent benchmark level is appropriate, reasonable, and supported by the current market forecast. FHFA recognizes that there may be challenges to meeting this goal, including uneven growth in AMI and the relative affordability of private mortgage insurance, which may be beyond the control of the Enterprises and impact their ability to achieve these goals. FHFA will continue to monitor the performance of the Enterprises on this goal and, if FHFA determines in later years that the benchmark level for the low-income home purchase housing goal is no longer feasible for the Enterprises to achieve in light of market conditions or for any other reason, FHFA may take appropriate steps to adjust the benchmark level.

2. Very Low-Income Home Purchase Goal

The very low-income home purchase goal is based on the percentage of all single-family, owner-occupied home purchase mortgages purchased by an Enterprise that are for very low-income families, defined as families with incomes less than or equal to 50 percent of the area median income. The final rule sets the annual very low-income home purchase housing goal benchmark level for 2018 through 2020 at 6 percent. FHFA has determined that, despite the various challenges to affordability highlighted above, the Enterprises will be able to take steps to maintain or increase their performance on this goal. The 6 percent benchmark level will serve as an appropriate target that will channel Enterprise efforts in this segment.

TABLE 2—VERY LOW-INCOME HOME PURCHASE GOAL

	Historical performance (year)				Projected performance (year)			
	2013	2014	2015	2016	2017	2018	2019	2020
Benchmark (%)	7	7	6	6	6	6	6	6
Actual Market* (%)	6.3	5.7	5.8	5.4	5.1 +/−0.9	5.3 +/−1.5	5.9 +/−1.9	5.9 +/−2.2
Fannie Mae:								
Very Low-Income Purchase	48,810	42,872	45,022	49,932				
Total Home Purchase	814,137	757,870	802,432	966,800				
% Very Low-Income	6.0	5.7	5.6	5.2				
Freddie Mac:								
Very Low-Income Purchase	23,705	25,232	31,146	36,837				
Total Home Purchase	429,158	519,731	579,340	644,988				
% Very Low-Income	5.5	4.9	5.4	5.7				

*Market forecast shown for 2017–2020.

Recent performance and forecasts. As shown in Table 2, the market for very low-income home purchase loans has been declining since 2013, as reflected in HMDA data, although there was a slight uptick in 2015. FHFA has gradually lowered the benchmark level for this goal from 8 percent in 2010 to 6 percent in 2015. Despite this reduction, the performance of both Enterprises has continued to fall below the benchmark level in each year since 2013. In 2016, Freddie Mac achieved the very low-income goal by meeting the market level, but Fannie Mae failed to meet the goal.

FHFA's models forecast this segment to remain between 5.1 percent and 5.9 percent for 2017–2020. For the 2018–2020 goal period, FHFA's forecast indicates an increase from 5.1 percent in 2017 to 5.3 percent in 2018 and to 5.9 percent in 2019 and 2020. As noted earlier, the confidence intervals widen as the forecast period lengthens.

Proposed rule and comments. In the proposed rule, FHFA proposed maintaining the benchmark level for 2018–2020 at the 2015–2017 level of 6 percent. At that time, using data through December 2016, the average market level forecast for 2018–2020 was 6.4 percent. FHFA adjusted the model using data through November 2017 and additional 2016 data from HMDA and Moody's, and the current model forecasts that the average market level for 2018–2020 for this goal will be lower, at 5.7 percent.

As highlighted in the low-income goal discussion above, there were five comment letters that expressed support for the proposed benchmark levels for the single-family goals, including the very low-income home purchase goal at 6 percent. Commenters commended FHFA for appropriately challenging the Enterprises while taking into account safety and soundness and the realities of the mortgage market. Four comments endorsed a higher benchmark level for the very low-income home purchase goal. Commenters recommended setting the very low-income goal benchmark at levels between 7 and 10 percent. These commenters argued that more aggressive targets will encourage the Enterprises to focus on this income segment, which will benefit consumers and improve access to credit. Only one commenter (Fannie Mae) asserted that the proposed benchmark level for the very low-income home purchase goal was too high, and should be lowered to 5 percent. Fannie Mae cited ongoing market challenges that make it difficult to meet the benchmark level, including lack of supply of moderately-priced homes and limited job growth.

FHFA determination. Consistent with the proposed rule, the final rule sets the very low-income home purchase housing goal benchmark level at 6 percent, slightly higher than the current 5.7 percent forecast average. FHFA considered lowering the benchmark level for the very low-income home purchase goal to 5.5 percent but decided to keep the benchmark level at 6 percent for multiple reasons. This level is near but slightly higher than the market forecast average. This level should serve as a ''stretch goal'' to encourage the Enterprises to continue their efforts to promote safe and sustainable lending to very low-income families. As noted in the low-income home purchase goal discussion above, there are significant challenges to housing affordability that may be beyond the control of the Enterprises that could make the benchmark level a challenge for the Enterprises. However, given the two-part nature of the goals, the level that will be likely to constrain the Enterprises will be the lower of the market level or the benchmark. Thus, FHFA is persuaded that setting the benchmark level at 6 percent is appropriate, reasonable, and supported by the current market forecast.

FHFA will continue to monitor the Enterprises' performance on this goal and, if FHFA determines in later years that the benchmark level for the very low-income areas home purchase housing goal is no longer feasible for the Enterprises to achieve in light of market conditions or for any other reason, FHFA may take appropriate steps to adjust the benchmark level.

3. Low-Income Areas Home Purchase Subgoal

The low-income areas home purchase subgoal is based on the percentage of all single-family, owner-occupied home purchase mortgages purchased by an Enterprise that are either: (1) For families in low-income areas, defined to include census tracts with median income less than or equal to 80 percent of AMI; or (2) for families with incomes less than or equal to AMI who reside in minority census tracts (defined as census tracts with a minority population of at least 30 percent and a tract median income of less than 100 percent of AMI). Mortgage loans may qualify under either or both conditions. As discussed in the proposed rule, mortgages satisfying condition (1) above, or borrowers in low-income areas, are typically almost double the share of mortgages satisfying condition (2), or moderate-income borrowers in minority census tracts. The share of mortgages that satisfy both conditions is generally small (for example, 4.6 percent of low-income areas subgoal mortgages in 2015).

The final rule sets the annual low-income areas home purchase subgoal benchmark level for 2018 through 2020 at 14 percent, which is lower than the 15 percent in the proposed rule, based on comments received by FHFA. FHFA has determined that this benchmark level will serve as an appropriate target for the Enterprises. FHFA will continue to evaluate the impact and efficacy of this subgoal.

TABLE 3—LOW-INCOME AREAS HOME PURCHASE SUBGOAL

	Historical performance (year)				Projected performance (year)			
	2013	2014	2015	2016	2017	2018	2019	2020
Benchmark (%)	11	11	14	14	14	14	14	14
Actual Market* (%)	14.2	15.2	15.2	15.9	16.5 +/−1.2	16.6 +/−2.0	16.8 +/−2.5	16.4 +/−3.0
Fannie Mae Performance:								
Low-Income Area Home Purchase Mortgages	86,430	91,691	99,723	125,956				
High-Minority Area Home Purchase Mortgages	27,425	25,650	25,349	30,535				
Subgoal-Qualifying Total Home Purchase Mortgages	113,855	117,341	125,072	156,491				
Total Home Purchase Mortgages	814,137	757,870	802,432	966,800				
Low-Income Area % of Home Purchase Mortgages	14.0	15.5	15.6	16.2				
Freddie Mac Performance:								
Low-Income Area Home Purchase Mortgages	40,444	55,987	67,172	80,805				
High-Minority Area Home Purchase Mortgages	12,177	14,808	16,601	19,788				

TABLE 3—LOW-INCOME AREAS HOME PURCHASE SUBGOAL—Continued

	Historical performance (year)				Projected performance (year)			
	2013	2014	2015	2016	2017	2018	2019	2020
Subgoal-Qualifying Total Home Purchase Mortgages	52,621	70,795	83,773	100,593				
Total Home Purchase Mortgages	429,158	519,731	579,340	644,988				
Low-Income Area % of Home Purchase Mortgages	12.3	13.6	14.5	15.6				

* Market forecast shown for 2017–2020.

Recent performance and forecasts. As shown in Table 3, both Enterprises have met this subgoal every year since 2013, regularly exceeding both the market and the benchmark levels. Fannie Mae's performance exceeded both the market and the benchmark level in 2014 through 2016, although its performance was below the market level in 2013. From 2013 through 2016, Freddie Mac's performance exceeded the benchmark level but was below the market level.

The forecast for this subgoal was obtained by generating separate forecasts for the two sub-populations (the low-income areas component and the high-minority component). FHFA has tested alternate model specifications for this subgoal and determined that aligning the overlapping portion with the low-income areas component yields forecast estimates that are more precise (in terms of a narrower confidence interval).[32] FHFA's forecast indicates that the market will increase slightly in the coming years, reaching a maximum level of 16.8 percent in 2019.

Proposed rule and comments. In the proposed rule, FHFA proposed raising the benchmark level to 15 percent for 2018–2020 from the 2015–2017 level of 14 percent. FHFA has adjusted the model using data through November 2017 and additional 2016 data from HMDA and Moody's, and the current model forecasts that the average market for 2018–2020 for this goal will be approximately 16.6 percent, slightly higher than the 15.9 percent average from the proposed rule forecast. As noted in the proposed rule, FHFA's analysis found that the mortgage market (as measured by HMDA data) in both low-income areas and the high-minority areas had increasing shares of borrowers with incomes at or above 100 percent of AMI.[33] This trend lies at the heart of the public policy dilemma that FHFA is addressing: While the presence of higher income borrowers in lower income and high minority areas may be a sign of economic diversity in those areas and may be related to the possibility of improved economic indicators for the community, there is nevertheless some concern that such a trend could displace existing residents in those areas, especially lower income households. FHFA is aware that this particular subgoal may encourage the Enterprises to focus on purchasing loans for higher income households in low-income and high-minority areas while at the same time fueling concerns about the impact of rising housing costs on existing or displaced households in lower-income or higher-minority areas.

FHFA sought comment on this issue in its proposed rule and received two comment letters that addressed this issue. Both commenters agreed with FHFA's concerns. One encouraged FHFA to continue to carefully monitor the policy objectives and efficacy of this goal. The other commenter opposed raising the benchmark levels for this goal. After considering these and other comments, FHFA is setting the very low-income areas home purchase housing subgoal benchmark level at 14 percent, which is lower than the current 16.6 percent average market forecast.

FHFA determination. The final rule sets the benchmark level for the low-income areas home purchase subgoal at 14 percent. This level reflects a balance between the market and recent performance levels of the Enterprises while FHFA continues to evaluate whether the goal meets all policy objectives. FHFA will continue to monitor the Enterprises' performance on this subgoal and, if FHFA determines in later years that the benchmark level for the low-income areas home purchase subgoal is no longer feasible for the Enterprises to achieve in light of market conditions or for other reasons, FHFA may take appropriate steps to adjust the benchmark level.

4. Low-Income Areas Home Purchase Goal

The low-income areas home purchase goal covers the same categories as the low-income areas home purchase subgoal, but it also includes moderate income families in designated disaster areas. As a result, the low-income areas home purchase goal is based on the percentage of all single-family, owner-occupied home purchase mortgages purchased by an Enterprise that are: (1) For families in low-income areas, defined to include census tracts with median income less than or equal to 80 percent of AMI; (2) for families with incomes less than or equal to AMI who reside in minority census tracts (defined as census tracts with a minority population of at least 30 percent and a tract median income of less than 100 percent of AMI); or (3) for families with incomes less than or equal to 100 percent of AMI who reside in designated disaster areas.

The low-income areas goal benchmark level is established by a two-step process. The first step is setting the benchmark level for the low-income areas subgoal, as established by this final rule. The second step is establishing an additional increment for mortgages to families with incomes less than or equal to AMI located in federally-declared disaster areas.[34] Each year, FHFA sets the disaster area increment separately from this rule and notifies the Enterprises by letter of the benchmark level for the low-income areas home purchase goal that year. The final rule sets the annual low-income areas home purchase goal benchmark level for 2018 through 2020 at the subgoal benchmark level of 14 percent plus a disaster areas increment that FHFA will set separately each year.

[32] Details are available in the market model paper, ''The Size of the Affordable Mortgage Market: 2018–2020 Enterprise Single-Family Housing Goals,'' available at *http://www.fhfa.gov/PolicyPrograms Research/Research/PaperDocuments/Market-Estimates_2018-2020.pdf.*

[33] 82 FR 31514 (July 7, 2017).

[34] Disaster declarations are listed on the Federal Emergency Management Agency (FEMA) website at *https://www.fema.gov/disasters.*

TABLE 4—LOW-INCOME AREAS HOME PURCHASE GOAL

	Historical performance (year)						
	2010	2011	2012	2013	2014	2015	2016
Benchmark (%)	24	24	20	21	18	19	17
Actual Market* (%)	24.0	22.0	23.2	22.1	22.1	19.8	19.7
Fannie Mae Performance:							
Subgoal-Qualifying Home Purchase Mortgages	59,281	54,285	83,202	113,855	117,341	125,072	156,441
Disaster Areas Home Purchase Mortgages	56,076	50,209	58,085	62,314	54,548	38,885	38,545
Goal-Qualifying Total Home Purchase Mortgages	115,357	104,494	141,287	176,169	171,889	163,957	194,986
Total Home Purchase Mortgages	479,200	467,066	633,627	814,137	757,870	802,432	964,847
Goal Performance (%)	24.1	22.4	22.3	21.6	22.7	20.4	20.2
Freddie Mac Performance:							
Subgoal-Qualifying Home Purchase Mortgages	32,089	23,902	32,750	52,621	70,795	83,773	100,608
Disaster Areas Home Purchase Mortgages	38,898	26,232	26,486	33,123	33,923	26,411	27,709
Goal-Qualifying Total Home Purchase Mortgages	70,987	50,134	59,236	85,744	104,718	110,184	128,317
Total Home Purchase Mortgages	307,555	260,796	288,007	429,158	519,731	579,340	644,991
Goal Performance (%)	23.1	19.2	20.6	20.0	20.1	19.0	19.9

5. Low-Income Refinancing Goal

The low-income refinancing goal is based on the percentage of all single-family, owner-occupied refinance mortgages purchased by an Enterprise that are for low-income families, defined as families with incomes less than or equal to 80 percent of AMI. The final rule sets the annual low-income refinancing housing goal benchmark level for 2018 through 2020 at 21 percent. FHFA has determined that this benchmark level will serve as an appropriate target for the Enterprises. While this benchmark level is unchanged from the current 2015 to 2017 benchmark level, it will nevertheless be challenging for the Enterprises given the current level of interest rates (which are at historic low levels) and the likelihood of interest rate hikes. Because of the significant impact interest rate changes have on this market, Enterprise and market performance on this goal are particularly susceptible to fluctuation. Moderation in the setting of this goal is also supported by the fact that many borrowers have already refinanced during the recent extended period of historically low interest rates.

TABLE 5—LOW-INCOME REFINANCING GOAL

	Historical performance (year)				Projected performance (year)			
	2013	2014	2015	2016	2017	2018	2019	2020
Benchmark (%)	20	20	21	21	21	21	21	21
Actual Market* (%)	24.3	25.0	22.5	19.8	23.4 +/−3.0	23.4 +/−5.1	20.6 +/−6.5	18.0 +/−7.7
Fannie Mae Performance:								
Low-Income Refinance Mortgages	519,753	215,826	227,817	246,571				
Total Refinance Mortgages	2,170,063	831,218	1,038,663	1,270,542				
Low-Income % of Refinance Mortgages	24.0	26.0	21.9	19.4				
Low-Income HAMP Modification Mortgages	11,858	6,503	3,563	2,127				
Total HAMP Modification Mortgages	16,478	9,288	6,595	3,800				
Low-Income % of HAMP Modification Mortgages	72.0	70.0	54.0	56.0				
Low-Income Refinance & HAMP Modification Mortgages	531,611	222,329	231,380	248,698				
Total Refinance & HAMP Modification Mortgages	2,186,541	840,506	1,045,258	1,274,342				
Low-Income % of Refinance & HAMP Modification Mortgages	24.3	26.5	22.1	19.5				
Freddie Mac Performance:								
Low-Income Refinance Mortgages	306,205	131,921	179,530	172,987				
Total Refinance Mortgages	1,309,435	514,936	795,936	828,553				
Low-Income % of Refinance Mortgages	23.4	25.6	22.6	20.9				
Low-Income HAMP Modification Mortgages	14,757	6,795	3,064	1,721				
Total HAMP Modification Mortgages	21,599	10,335	4,433	2,335				
Low-Income % of HAMP Modification Mortgages	68.3	65.7	69.1	73.7				
Low-Income Refinance & HAMP Modification Mortgages	320,962	138,716	182,594	174,708				
Total Refinance & HAMP Modification Mortgages	1,331,034	525,271	800,369	830,888				
Low-Income % of Refinance & HAMP Modification Mortgages	24.1	26.4	22.8	21.0				

* Market forecast shown for 2017–2020.

Recent performance and forecasts. As shown in Table 5, the performance of the Enterprises on the low-income refinancing housing goal has historically been very close to the actual market levels. In 2014, when the market level was at its highest point, both Enterprises met the goal by exceeding the market level. In 2015, Freddie Mac surpassed the market and the benchmark levels, and Fannie Mae exceeded the benchmark level. In 2016, Freddie Mac met the benchmark level and exceeded the market level with its performance at 21.0 percent, but Fannie Mae missed the benchmark and the market levels, with its performance reaching only 19.5 percent.

The low-income share of the refinance market as measured by HMDA data has changed dramatically in recent years, increasing from 20.2 percent in 2010 to a peak of 25 percent in 2014, and dropping from 22.5 percent in 2015 to 19.8 percent in 2016. FHFA's model predicts that this share will increase to 23.4 percent in 2017 and 2018, and then decline to 20.6 percent in 2019 and 18.0 percent in 2020. The confidence intervals for this model are fairly wide because of the considerable uncertainty around interest rates. Recent macroeconomic forecasts have predicted interest rate hikes that have yet to materialize in any substantive way.

Since 2010, the low-income refinancing housing goal has included modifications under the Home Affordable Modification Program (HAMP).[35] HAMP modifications, however, are not included in the data used to calculate the market levels. Including HAMP modifications in the Enterprise performance numbers increases the measured performance of the Enterprises on the low-income refinancing housing goal because lower income borrowers make up a greater proportion of the borrowers receiving HAMP modifications than the low-income share of the overall refinancing mortgage market. However, HAMP modifications have been declining over time, and the program stopped taking applications at the end of 2016.[36] The expiration of the HAMP program may make it slightly more difficult for the Enterprises to meet the low-income refinancing goal.

[35] The goal has included permanent HAMP modifications to low-income borrowers in the numerator and all HAMP permanent modifications in the denominator.

[36] The HAMP program expired at the end of 2016. There will be some HAMP modifications that will count toward the Enterprise housing goals in 2017 as applications that were initiated before the end of the program are converted to permanent modifications.

Proposed rule and comments. In the proposed rule, FHFA proposed maintaining the benchmark level for 2018–2020 at the 2015–2017 level of 21 percent. FHFA received one comment stating generally that all single-family goals should be increased. The comment noted the importance of the low-income refinance goal in preserving homeownership.

FHFA determination. Consistent with the proposed rule, the final rule sets the low-income refinance benchmark level at 21 percent, slightly higher than the current 20.7 percent average market forecast. FHFA is setting this benchmark at a relatively low level compared to the 23.4 percent market forecast for 2018, based in part on the forecast decreasing significantly over the three year period covered by the forecast. FHFA is also mindful of the higher level of uncertainty about the forecasts for this goal given the unpredictability of future interest rate changes. The 21 percent benchmark level reflects a balance between the market and recent performance levels of the Enterprises. FHFA will continue to monitor the performance of the Enterprises on this goal and, if FHFA determines in later years that the benchmark level for the low-income refinancing housing goal is no longer feasible for the Enterprises to achieve in light of market conditions or for other reasons, FHFA may take appropriate steps to adjust the benchmark level.

V. Multifamily Housing Goals

This final rule also establishes the multifamily housing goals for 2018–2020. FHFA considered the required statutory factors described below in setting the benchmark levels for the multifamily housing goals. Two divergent trends underlie FHFA's analysis: a strong multifamily mortgage market for units that are affordable to higher-income households but a continued gap in the supply of units affordable to lower-income households. There are some forecasts that support a softening of the first trend but all forecasts uniformly expect the second trend to continue during the goal period. FHFA expects and encourages the Enterprises to fully support affordable multifamily housing, in part by fulfilling the multifamily housing goals in a safe and sound manner.

A. Factors Considered in Setting the Multifamily Housing Goal Levels

In setting the benchmark levels for the multifamily housing goals, FHFA considered the statutory factors outlined in section 1333(a)(4) of the Safety and Soundness Act. These factors include:

1. National multifamily mortgage credit needs and the ability of the Enterprises to provide additional liquidity and stability for the multifamily mortgage market;
2. The performance and effort of the Enterprises in making mortgage credit available for multifamily housing in previous years;
3. The size of the multifamily mortgage market for housing affordable to low-income and very low-income families, including the size of the multifamily markets for housing of a smaller or limited size;
4. The ability of the Enterprises to lead the market in making multifamily mortgage credit available, especially for multifamily housing affordable to low-income and very low-income families;
5. The availability of public subsidies; and
6. The need to maintain the sound financial condition of the Enterprises.[37]

Unlike the single-family housing goals, performance on the multifamily housing goals is measured solely against a benchmark level, without any retrospective market measure. The absence of a retrospective market measure for the multifamily housing goals results, in part, from the lack of comprehensive data about the multifamily mortgage market. Unlike the single-family market, for which HMDA provides a reasonably comprehensive dataset about single-family mortgage originations each year, the multifamily market (including the affordable multifamily market segment) has no comparable source of data. Consequently, it can be difficult to correlate different datasets on the multifamily market because they usually rely on different reporting formats. For example, some data are available by dollar volume of mortgages while other data are available by unit production. [38]

Another difference between the single-family and multifamily goals is that there are separate single-family housing goals for home purchase and refinance mortgages, while the multifamily goals include all Enterprise multifamily mortgage purchases, regardless of the purpose of the loan. In addition, unlike the single-family housing goals, the multifamily housing goals are measured based on the total volume of affordable multifamily

[37] 12 U.S.C. 4563(a)(4).

[38] The Consumer Financial Protection Bureau (CFPB) will collect additional data fields (including the number of units in the properties securing each multifamily loan that is reported) beginning in 2018 that may be useful in the future in considering whether to create a retrospective market measure for the multifamily housing goals.

mortgage purchases rather than on a percentage of multifamily mortgage purchases. The use of total volume, which FHFA measures by the number of eligible units, rather than percentages of each Enterprises' overall multifamily purchases, requires that FHFA take into account the expected size of the overall multifamily mortgage market and the affordable share of the market, as well as the expected volume of the Enterprises' overall multifamily purchases and the affordable share of those purchases.

The lack of comprehensive data for the multifamily mortgage market is even more acute with respect to the segments of the market that are targeted to low-income families, defined as families with incomes at or below 80 percent of AMI, and very low-income families, defined as families with incomes at or below 50 percent of AMI. As required by the Safety and Soundness Act, FHFA determines affordability of multifamily units based on maximum rent levels not exceeding 30 percent of the area median income standard for low- and very low-income families.[39] This affordability definition is sometimes referred to as the ''Brooke Amendment,'' and states that to be considered a low-income multifamily unit (*i.e.,* affordable at the 80 percent AMI level), the rent levels must be less than or equal to 30 percent of the maximum income at 80 percent of the AMI, with appropriate adjustments for unit size as measured by the number of bedrooms.[40] Similarly, to be considered a very low-income multifamily unit (*i.e.,* affordable at the 50 percent AMI level), the rent levels must be less than or equal to 30 percent of the maximum income at 50 percent of the AMI, with appropriate adjustments for unit size as measured by the number of bedrooms. While much of the analysis that follows discusses trends in the overall multifamily mortgage market, FHFA recognizes that these trends may not apply to the same extent to all segments of the multifamily market. Notwithstanding these challenges, FHFA has considered each of the required statutory factors (a number of which are related) as discussed below.

Multifamily mortgage market. FHFA's consideration of the multifamily mortgage market addressed the size of and competition within the multifamily mortgage market, as well as the subset of the multifamily market affordable to low-income and very low-income families. In 2016, the multifamily mortgage origination market experienced continued growth: Year-over-year origination volume grew 8 percent from about $250 billion to $269 billion, fueled largely by a recovery in multifamily construction. Forecasts from various industry experts indicate that overall multifamily mortgage market volumes and mortgage originations are expected to increase only modestly in 2017, both for refinancing activity and for financing new multifamily units, and will likely decrease modestly in 2018. FHFA's internal forecasts are consistent with this view.

The total number of renter households grew from 35 million in 2005 to 44 million in 2015, an increase of about one quarter.[41] According to the National Multifamily Housing Council's tabulation of 2016 American Community Survey (ACS) data, about 43 percent of renter households (18.9 million households or 38.8 million residents) lived in structures with five or more rental units.[42] This growth led to an increase in demand for rental units that has only partially been met by expansions in supply. Vacancy rates hit a 30-year low in 2016, and are especially low in lower-priced segments of the market, while climbing in the higher-priced segments of the market.[43] Rents also continued to rise nationally and outpaced inflation in 2016.[44]

Affordability in the multifamily market. There are several factors that make it difficult to accurately forecast the affordable share of the multifamily mortgage market. First, the portion of the overall multifamily mortgage market that provides housing units affordable to low-income and very low-income families varies from year to year. Second, competition between purchasers of mortgages within the multifamily market overall may differ from the competition within the affordable multifamily market segment. Finally, the volume for the affordable multifamily market segment depends on the availability of affordable housing subsidies. Thus in some ways, the multifamily market is segmented into the affordable and non-affordable segments with loose linkages between the two segments. Despite strength in the non-affordable multifamily market in recent years, there has been little increase in the affordable segment. Using the standard measure of affordability, where rent and utilities do not exceed 30 percent of AMI (required by the Brooke Amendment), families living in rental units have faced decreasing affordability in recent years.

The Joint Center for Housing Studies (JCHS) has released two reports noting concerning trends in the supply of affordable multifamily units. The overall inventory of affordable multifamily units is low, and rent on most newly built units are out of reach for lower-income families. As the JCHS's 2017 Report on America's Rental Housing notes:

> ''Soaring demand sparked a sharp expansion of the rental stock over the past decade. Initially, most of the additions to supply came from conversions of formerly owner-occupied units, particularly single family homes, which provided housing for the increasing number of families with children in the rental market. Between 2006 and 2016, the number of single-family homes available for rent increased by nearly 4 million, lifting the total to 18.2 million. While single-family homes have always accounted for a large share of rental housing, they now make up 39 percent of the stock. More recently, though, growth in the single-family supply has slowed. The American Community Survey shows that the number of single-family rentals (including detached, attached, and mobile homes) increased by only 74,000 units between 2015 and 2016, substantially below the 400,000 annual increase averaged in 2005–2015. With this slowdown in single-family conversions and a boom in multifamily construction, new multifamily units have come to account for a growing share of new rentals.'' [45]

The Report on America's Rental Housing goes on to note that much of this new multifamily construction is aimed at higher income households and located primarily in high-rise buildings in downtown neighborhoods while the supply of moderate and lower cost units has only grown modestly. The Report on America's Rental Housing notes that the share of new units renting for less than $850 a month has actually declined from two-fifths to one-fifth between 2001 and 2016.

The JCHS's 2017 State of the Nation's Housing Report indicates that the majority of growth in rental housing stock in recent years was primarily the result of new multifamily construction. Moreover, most of this new construction consists of apartments with fewer

[39] 12 U.S.C. 4563(c).

[40] *See https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html* for description of the Brooke Amendment and background on the definition of affordability embedded in the housing goals.

[41] ''America's Rental Housing: Expanding Options for Diverse and Growing Demand,'' Joint Center for Housing Studies of Harvard University, December 2015.

[42] Source: *http://www.nmhc.org/Content.aspx?id=4708#Type_of_Structure.* Accessed 10/30/2017.

[43] ''State of the Nation's Housing 2017,'' Joint Center for Housing Studies of Harvard University,'' June 2017.

[44] *Id.*

[45] ''America's Rental Housing,'' Joint Center for Housing Studies of Harvard University, January 2018.

bedrooms and has been concentrated in urban areas with higher median rents. According to the State of the Nation's Housing Report, there have been significant declines in the supply of low-cost rental housing. Using ACS data from 2005 and 2015, the report notes that gains in the supply of high-end units and losses of low- and modest-priced units over the past decade have shifted the entire rental stock toward the high end. The State of the Nation's Housing Report notes, ''bolstered by new, high-end construction and rising rents for existing apartments, the number of units renting for $2,000 or more per month increased 97 percent in real terms between 2005 and 2015.'' At the same time, ''the number of units renting for below $800 fell by 2 percent.'' [46]

The State of the Nation's Housing Report also notes the significant prevalence of cost-burdened renters. In 2015, nearly one-third of all tenants paid more than 30 percent of their household income for rental housing, especially in high-cost urban markets where most renters reside and where a majority of the multifamily loans purchased by Fannie Mae and Freddie Mac have been located. Among lower-income households, cost burdens are especially severe.[47] The same report notes that while housing affordability is a growing concern for communities nationwide, the cost-burdened shares in 11 of the country's largest metropolitan areas were above 40 percent. In addition, a recent study showed that the median incomes of renter households have experienced slight declines in some large metropolitan areas in recent years, leading to increased cost burdens for these households.[48]

One source of growth in the stock of lower-rent apartments is ''filtering,'' a process by which existing units become more affordable as they age. However, in recent years, this downward filtering of rental units has occurred at a slow pace in most markets. Coupled with the permanent loss of affordable units, as these units fall into disrepair or units are demolished to create new higher-rent or higher-valued ownership units, this trend has severely limited the supply of lower rent units. As a result, there is an acute shortfall of affordable units for extremely low-income renters (earning up to 30 percent of AMI) and very low-income renters (earning up to 50 percent of AMI). This supply gap is especially wide in certain metropolitan areas in the southern and western United States.[49]

The combination of the supply gap in affordable units, which has resulted in significant increases in rental rates, and the prevalence of cost-burdened renters resulting from largely flat real incomes has led to an erosion of affordability, with fewer units qualifying for the housing goals.[50] This challenge of affordability is also reflected in the falling share of low-income multifamily units financed by loans purchased by the Enterprises. While 77 percent of the multifamily units financed by Fannie Mae in 2011 were low-income, that ratio dropped steadily in the intervening years to 64 percent in 2016. At Freddie Mac, the low-income share also peaked in 2011 and 2012 at 79 percent, and decreased gradually to 68 percent in 2016. For the very low-income goal, the share at Fannie Mae peaked in 2012 at 22 percent before falling to 12 percent in 2016, and at Freddie Mac the share peaked at 17 percent in 2013 before falling to 12 percent in 2016.

Small multifamily properties with 5 to 50 units are also an important source of affordable rental housing and represent approximately one-third of the affordable rental market. Because they have different operating and ownership characteristics than larger properties, small multifamily properties often have different financing needs. For example, small multifamily properties are more likely to be owned by an individual or small investor and less likely to be managed by a third party property management firm.[51] Likewise, the affordability of small multifamily units means they generate less revenue per unit than larger properties. These factors can make financing more difficult to obtain for small multifamily property owners. While the volume of Enterprise-supported loans on small multifamily properties has been inconsistent in recent years, each Enterprise continues to refine its approach to serving this market.

Availability of public subsidies. Multifamily housing subsidy assistance is primarily available in two forms—demand-side subsidies that either assist low-income tenants directly (*e.g.,* Section 8 vouchers) or provide project-based rental assistance (Section 8 contracts), and supply-side subsidies that support the creation and preservation of affordable housing (*e.g.,* public housing and Low-Income Housing Tax Credit (LIHTC)). The availability of public subsidies impacts the overall affordable multifamily housing market, and changes to longstanding housing subsidy programs could significantly impact the ability of the Enterprises to meet the goals.

Financing for affordable multifamily buildings—particularly those affordable to very low-income families—often uses an array of state and federal supply-side housing subsidies, such as LIHTC, tax-exempt bonds, project-based rental assistance, or soft subordinate financing.[52] In recent years, competition for affordable housing subsidies has been intense and investor interest in tax credit equity projects of all types and in all markets has been strong, especially in markets in which bank investors are seeking to meet Community Reinvestment Act (CRA) goals. By contrast, in recent months, the subsidy provided by the LIHTC program has been volatile and uncertain due to potential impacts of recent changes in tax laws. Projections carried out by housing industry groups suggest that the level of LIHTC production will decrease because of the reduction in corporate tax rates.[53]

Subject to the continuing availability of these subsidies, there should continue to be opportunities in the multifamily market to provide permanent financing for properties with LIHTC during the 2018–2020 period. There should also be opportunities for market participants, including the Enterprises, to purchase mortgages that finance the preservation of existing affordable housing units, especially for restructurings of older properties that reach the end of their initial 15-year LIHTC compliance periods and for refinancing properties with expiring Section 8 rental assistance contracts.

In recent years, demand-side public subsidies and the availability of public housing have not kept pace with the growing number of low-income and very low-income households in need of federal housing assistance. As a result,

[46] ''State of the Nation's Housing 2017,'' Joint Center for Housing Studies of Harvard University, June 2017. Available at *www.jchs.harvard.edu/research/state_nations_housing.*

[47] *Id.*

[48] ''Renting in America's Largest Metropolitan Areas,'' NYU Furman Center, March 2016.

[49] ''The Gap: The Affordable Housing Gap Analysis 2017,'' National Low Income Housing Coalition, March 2017.

[50] ''State of the Nation's Housing 2017,'' Joint Center for Housing Studies of Harvard University, June 2017.

[51] ''2012 Rental Housing Finance Survey,'' U.S. Census Bureau and U.S. Department of Housing and Urban Development, Tables 2b, 2c, 2d and 3.

[52] LIHTC is a supply-side subsidy created under the Tax Reform Act of 1986 and is the main source of new affordable rental housing construction in the United States today. Tax credits are used for the acquisition, rehabilitation, and/or new construction of rental housing for low-income and very low-income households. LIHTC has facilitated the creation or rehabilitation of approximately 2.4 million affordable rental units since 1986.

[53] Novogradac & Company, ''Final Tax Reform Bill Would Reduce Affordable Rental Housing Production by Nearly 235,000.'' December 19, 2017.

the number of renter households with ''worst case needs'' has grown to 8.3 million, an increase of more than one-third since 2005.[54]

Role of the Enterprises. In setting the multifamily housing goals, FHFA considered the ability of the Enterprises to lead the market in making multifamily mortgage credit available. The share of the overall multifamily market purchased by the Enterprises increased in the years immediately following the financial crisis but has declined more recently in response to growing private sector participation. The Enterprise share (in dollar volume terms) of the multifamily origination market was approximately 70 percent of the market in 2008 and 2009 compared to 38 percent in 2015 and 39 percent in 2016.[55] [56] The total share is expected to remain at around these lower levels in 2017 and 2018, particularly in light of the Scorecard cap imposed by FHFA in its role as conservator, which is discussed below.

Despite the Enterprises' reduced market share in the overall multifamily market and due to the segmented nature of the multifamily market noted earlier, FHFA expects the Enterprises to continue to demonstrate leadership in multifamily affordable housing by providing liquidity and supporting housing for tenants at different income levels in various geographic markets and in various market segments.

Conservatorship limits on multifamily mortgage purchases (Conservatorship Scorecard cap). As conservator of the Enterprises, FHFA has established a yearly cap in the Conservatorship Scorecard that limits the amount of conventional, market-rate multifamily loans that each Enterprise can purchase. The multifamily cap is intended to further FHFA's conservatorship goals of maintaining the presence of the Enterprises as a backstop for the multifamily finance market, while not impeding the participation of private capital. This target for the Enterprise share of the multifamily origination market reflects what FHFA considers an appropriate market share for the Enterprises during normal market conditions. The cap prevents the Enterprises from crowding out other capital sources and restrains the rapid growth of the Enterprises' multifamily businesses that started in 2011.[57] FHFA has designed the cap so that most loans eligible for housing goals credit, as well as certain other categories of transactions for underserved market segments, are excluded from the cap. As a result, increases and decreases in the cap itself should not impact the ability of the Enterprises to meet these goals.

In 2015, FHFA established a cap of $30 billion on new conventional multifamily loan purchases for each Enterprise in response to increased participation in the market from private sector capital. In 2016, the cap increased from $30 billion to $36.5 billion in response to growth of the overall multifamily origination market throughout the year. This increase maintained the Enterprises' current market share at about 40 percent. In 2017, FHFA kept the cap at $36.5 billion. In 2018, the cap has been reduced to $35 billion.

FHFA reviews the market size estimates quarterly, using current market data provided by the MBA, the National Multifamily Housing Council, and Fannie Mae and Freddie Mac. FHFA also produces an internal forecast. If FHFA determines during the year that the actual market size is greater than was projected, FHFA will consider an increase to the capped (conventional market-rate) category of the Conservatorship Scorecard for each Enterprise. In light of the need for market participants to be able to plan sales of mortgages during long origination processes, if FHFA determines that the actual market size is smaller than projected, there will be no reduction to the capped volume for the current year from the amount initially established under the Conservatorship Scorecard.

As noted earlier, in order to encourage affordable lending activities, FHFA excludes many types of loans in underserved markets from the Conservatorship Scorecard cap on conventional multifamily loans. The Conservatorship Scorecard has no volume targets in the market segments excluded from the cap. There is significant overlap between the types of multifamily mortgages that are excluded from the Conservatorship Scorecard cap and the multifamily mortgages that contribute to the performance of the Enterprises under the affordable housing goals. The 2018 Conservatorship Scorecard excludes either the entirety of the loan amount or a *pro rata* share of the loan for the following categories: (1) Targeted affordable housing (such as loans on properties subsidized by LIHTC, properties developed under state or local inclusionary zoning, real estate tax abatement, loan or similar programs, and properties covered by a Section 8 Housing Assistance Payment contract limiting tenant incomes to 80 percent of AMI or below); (2) small multifamily properties; (3) blanket loans on manufactured housing communities; (4) blanket loans on senior housing and assisted living communities; (5) loans in rural areas; (6) loans to finance energy or water efficiency improvements; and (7) market rate affordable units in standard (60 percent of AMI), high cost (80 percent of AMI), very high cost (100 percent of AMI), and extremely high cost (120 percent of AMI) markets. By excluding these categories from the cap, the Conservatorship Scorecard continues to encourage the Enterprises to support affordable housing in their purchases of multifamily mortgages.[58]

B. Multifamily Housing Goal Benchmark Levels

The final rule sets the multifamily housing goals at benchmark levels intended to encourage the Enterprises to provide liquidity and to support various multifamily finance market segments in a safe and sound manner. The Enterprises have served as a stabilizing force in the multifamily market in the years since the financial crisis. During the conservatorship period, the Enterprise portfolios of loans on multifamily affordable housing properties have experienced low levels of delinquency and default, similar to the performance of Enterprise loans on market rate properties. In light of this performance, the Enterprises should be able to sustain or increase their volume of purchases of loans on affordable multifamily housing properties without adversely impacting the Enterprises' safety and soundness or negatively affecting the performance of their total loan portfolios.

FHFA continues to monitor the activities of the Enterprises, both in FHFA's capacity as regulator and as conservator. If necessary, FHFA will make appropriate changes in the benchmark levels for the multifamily housing goals to ensure the Enterprises' continued safety and soundness.

[54] ''Worst Case Housing Needs: 2017 Report to Congress,'' U.S. Department of Housing and Urban Development, August 2017. Renters with worst case needs have very low incomes, lack housing assistance, and have either severe rent burdens or severely inadequate housing (or both).

[55] Urban Institute, ''The GSEs' Shrinking Role in the Multifamily Market,'' April 2015.

[56] MBA, 2016 Annual Report on Multifamily Lending, October 2017.

[57] MBA, 2015 Annual Report on Multifamily Lending, October 2016.

[58] For more information on the Conservatorship Scorecard, *see https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/2017-Scorecard-for-Fannie-Mae-Freddie-Mac-and-CSS.pdf.*

1. Multifamily Low-Income Housing Goal.

The multifamily low-income housing goal is based on the total number of rental units in multifamily properties financed by mortgages purchased by the Enterprises that are affordable to low-income families, defined as families with incomes less than or equal to 80 percent of AMI. The final rule sets the annual benchmark level for the low-income multifamily housing goal for each Enterprise at 315,000 units in each year from 2018 through 2020.

TABLE 6—MULTIFAMILY LOW-INCOME HOUSING GOAL

Year	Historical Performance					2017	2018–2020
	2012	2013	2014	2015	2016		
Fannie Mae Goal	285,000	265,000	250,000	300,000	300,000	300,000	315,000
Freddie Mac Goal	225,000	215,000	200,000	300,000	300,000	300,000	315,000
Fannie Mae Performance:							
Low-Income Multifamily Units	375,924	326,597	260,124	307,510	352,368		
Total Multifamily Units	501,256	430,751	372,089	468,798	552,785		
Low-Income % Total	75.0%	75.8%	69.9%	65.6%	63.7%		
Freddie Mac Performance:							
Low-Income Multifamily Units	298,529	254,628	273,807	379,042	406,958		
Total Multifamily Units	377,522	341,921	366,377	514,275	597,399		
Low-Income % of Total Units	79.1%	74.5%	74.7%	73.7%	68.1%		

Recent performance and forecasts. As shown in Table 6, from 2012 through 2016, both Enterprises exceeded the low-income multifamily goal. Prior to 2015, Fannie Mae had higher goals than Freddie Mac. For the 2015–2017 goal period, FHFA set the same benchmark levels for both Enterprises for the first time, reflecting parity between Freddie Mac and Fannie Mae multifamily market share in terms of unit counts.

In 2016, the goal for each Enterprise was 300,000 units. Fannie Mae purchased mortgages financing 352,368 low-income units, and Freddie Mac purchased mortgages financing 406,958 low-income units. While total volumes have increased, the share of low-income units financed at each Enterprise has been declining from peak levels in 2012.

Industry forecasts and FHFA internal forecasts for the overall multifamily originations market indicate a modest increase in 2017 over 2016 and a decrease in 2018.

Proposed rule and comments. In the proposed rule, FHFA proposed setting the benchmark for 2018–2020 at 315,000 units. Three commenters supported the proposed benchmark levels for the multifamily goals. One commenter stated, ''the goals are only meaningful if they are achievable.'' The three commenters that argued for higher goals did not suggest a specific number. One commenter (Fannie Mae) suggested lowering the low-income multifamily goal to 300,000 units, which was the 2015–2017 benchmark level. Regardless of whether they supported the proposed benchmark levels or supported different benchmark levels, commenters pointed out the particular difficulty for renters in finding affordable units and paying for them, given decreasing affordable rental housing stock, stagnant wages, and rapid rent increases in recent years. Several commenters pointed out that the overall multifamily market had been strong and growing, and the demand for rental housing is projected to continue to increase in coming years.

FHFA determination. As discussed above, the Conservatorship Scorecard cap has been lowered to $35 billion for 2018. Because the Scorecard cap has been designed to exclude affordable housing goal categories, lowering the cap should not significantly impact the ability of the Enterprises to meet the multifamily housing goals. However, FHFA expects that availability of housing subsidies will likely continue to be challenging for renter households. As a result, the gap between the supply of low-income and very low-income units and the needs of low-income households, as described in the affordability discussion above, is expected to continue in the next goal period. These trends, along with industry forecasts and FHFA internal forecasts, support a cautious approach in considering any increase in the benchmark levels for the multifamily housing goals.

Given recent Enterprise performance and balancing these considerations, the final rule sets the annual benchmark level for the low-income multifamily housing goal for each Enterprise at 315,000 units in each year from 2018 through 2020, a modest increase from the 300,000 unit goal for each Enterprise in 2015–2017.

2. Multifamily Very Low-Income Housing Subgoal

The multifamily very low-income housing subgoal is based on the total number of rental units in multifamily properties financed by mortgages purchased by the Enterprises that are affordable to very low-income families, defined as families with incomes no greater than 50 percent of AMI. The final rule sets the benchmark level for the very low-income multifamily housing subgoal for each Enterprise at 60,000 units for each year from 2018 through 2020.

TABLE 7—MULTIFAMILY VERY LOW-INCOME SUBGOAL

Year	Historical performance						
	2012	2013	2014	2015	2016	2017	2018–2020
Fannie Mae Goal	80,000	70,000	60,000	60,000	60,000	60,000	60,000
Freddie Mac Goal	59,000	50,000	40,000	60,000	60,000	60,000	60,000
Fannie Mae Performance:							
Very Low-Income Multifamily Units	108,878	78,071	60,542	69,078	65,910		
Total Multifamily Units	501,256	430,751	372,089	468,798	552,785		
Very Low-Income % of Total Units	21.7%	18.1%	16.3%	14.7%	11.9%		
Freddie Mac Performance:							
Very Low-Income Multifamily Units	60,084	56,752	48,689	76,935	73,030		
Total Home Purchase Mortgages	377,522	341,921	366,377	514,275	597,399		
Very Low-Income % of Total Units	15.9%	16.6%	13.3%	15.0%	12.2%		

Recent performance and forecasts. As shown in Table 7, from 2012 through 2016, both Enterprises exceeded the very low-income multifamily subgoal. In 2016, the subgoal for each Enterprise was 60,000 units. Fannie Mae purchased mortgages financing 65,910 very low-income units, while Freddie Mac purchased mortgages financing 73,030 very low-income units. Similar to the low-income multifamily goal, the share of very low-income units financed at each Enterprise has been declining in recent years.

As discussed above, industry forecasts and FHFA internal forecasts for the overall multifamily originations market indicate a modest increase in 2017 over 2016 and a decrease in 2018.

Proposed rule and comments. In the proposed rule, FHFA proposed setting the very low-income multifamily subgoal at 60,000 units. Three commenters supported the proposed benchmark levels for the multifamily goals. The three commenters that argued for higher goals did not suggest a specific number. One commenter (Fannie Mae) suggested lowering the very low-income goal to 55,000 units. Regardless of whether they supported the proposed benchmarks or supported different benchmarks, commenters pointed out the particular difficulty for renters in finding affordable units and paying for them, given decreasing affordable stock, stagnant wages, and rapid rent increases in recent years. Several comments pointed out the fact that the overall multifamily market had been strong and growing, and the demand for rental housing is projected to continue to increase in coming years.

FHFA determination. The very low-income multifamily market faces many of the same constraints as the low-income multifamily market. However, very low-income multifamily housing is inherently even more difficult to build, finance, and maintain, and a larger element of public subsidy is required to make such projects viable. The availability of public subsidies has been severely diminished in recent years, and FHFA expects the availability of subsidies to remain at historically low levels or decline further. The recent disruption in the tax credit market, described above, will pose an additional challenge to the very low-income multifamily market. These factors suggest moderation in setting the benchmark level for the very low-income multifamily subgoal for the Enterprises.

Given the challenges associated with the Enterprises meeting this housing goal and the trends described, the final rule sets the benchmark level for the very low-income multifamily housing subgoal for each Enterprise at 60,000 units for each year from 2018 through 2020, the same as the 60,000 unit goal for each Enterprise in 2015–2017.

3. Small Multifamily Low-Income Housing Subgoal

A small multifamily property is defined for purposes of the housing goals as a property with 5 to 50 units. The small multifamily low-income housing subgoal is based on the total number of units in small multifamily properties financed by mortgages purchased by the Enterprises that are affordable to low-income families, defined as families with incomes less than or equal to 80 percent of AMI. The final rule sets the benchmark level for the small multifamily subgoal for each Enterprise at 10,000 units for each year from 2018 through 2020.

TABLE 8—SMALL MULTIFAMILY LOW-INCOME SUBGOAL

Year	Historical performance						
	2012	2013	2014	2015	2016	2017	2018–2020
Small Low-Income Multifamily Goal	.....	.....	.....	6,000	8,000	10,000	10,000
Fannie Mae Performance:							
Small Low-Income Multifamily Units	16,801	13,827	6,732	6,731	9,312	.....	.....
Total Small Multifamily Units	26,479	21,764	11,880	11,198	15,211	.....	.....
Low-Income % of Total Small Multifamily Units	63.5%	63.5%	56.7%	60.1%	61.2%	.....	.....
Freddie Mac Performance:							
Small Low-Income Multifamily Units	829	1,128	2,076	12,801	22,101	.....	.....
Total Small Multifamily Units	2,194	2,375	4,659	21,246	33,984	.....	.....
Low-Income % of Total Small Multifamily Units	37.8%	47.5%	44.6%	60.3%	65.0%	.....	.....

Recent performance and forecasts. The small multifamily low-income housing subgoal was a new subgoal established by regulation for the 2015–2017 goal period. The subgoal was set at 6,000 units in 2015, 8,000 units in 2016, and 10,000 units in 2017. As shown in Table 8, both Enterprises exceeded the subgoal of 8,000 units in 2016. Fannie Mae purchased mortgages financing 9,312 units, and Freddie Mac purchased mortgages financing 22,101 units. As discussed above, industry forecasts and FHFA internal forecasts for the overall multifamily originations market indicate a modest increase in 2017 over 2016 and a decrease in 2018.

Proposed rule and comments. In the proposed rule, FHFA proposed setting the small multifamily subgoal at 10,000 units for each year. FHFA received five comments specifically on the small multifamily goal, and those comments were generally positive. For example, one commenter stressed the importance of small multifamily properties and the lack of ''consistent access to secondary market liquidity,'' and stated that the proposed benchmark levels for 2018–2020 were appropriate. Further, the commenter stated, ''keeping these goals at an achievable level keeps them as meaningful incentives.'' Other commenters also supported the benchmark levels and maintaining the small multifamily low-income subgoal. There were two commenters that recommended that FHFA increase the benchmark level for the small multifamily low-income subgoal, but neither commenter specified a number.

FHFA determination. The final rule sets the annual small multifamily subgoal for each Enterprise at 10,000 units for each year from 2018 through 2020, the same as the 2017 goal. The Enterprises continue to innovate in their approaches to serving this market. FHFA is still monitoring the trends in this market segment as well as Enterprise performance for this new subgoal. Maintaining the current goal should continue to encourage the Enterprises' participation in this market and ensure the Enterprises have the expertise necessary to serve this market should private sources of financing become unable or unwilling to lend on small multifamily properties.

Given the importance of this market segment, the final rule sets the benchmark level for the small multifamily subgoal for each Enterprise at 10,000 units for each year from 2018 through 2020, the same as the 10,000 unit subgoal for each Enterprise in 2017.

VI. Section-by-Section Analysis of Other Changes

The final rule also revises other provisions of the housing goals regulation, as discussed below.

A. Changes to Definitions—Proposed § 1282.1

Consistent with the proposed rule, the final rule includes changes to definitions used in the current housing goals regulation. Specifically, the final rule revises the definitions of ''median income,'' ''metropolitan area,'' and ''non-metropolitan area'' and removes the definition of ''AHS.''

1. Definition of ''Median Income''

The current regulation defines ''median income'' as the unadjusted median family income estimates for an area as most recently determined by HUD. While this definition accurately identifies the source that FHFA uses to determine median incomes each year, the definition does not reflect the longstanding practice FHFA has followed in providing the Enterprises with the median incomes that the Enterprises must use each year. The final rule revises the definition to be clear that the Enterprises are required to use the median incomes provided by FHFA each year in determining affordability for purposes of the housing goals.

The final rule also makes two additional technical changes to the definition of ''median income.'' First, the final rule adds a reference to ''non-metropolitan areas'' in the definition because FHFA determines median incomes for both metropolitan areas and non-metropolitan areas each year. Second, the final rule removes the word ''family'' in one place so that the term ''median income'' is used consistently throughout the regulation.

The revised definition reads: ''Median income means, with respect to an area, the unadjusted median family income for the area as determined by FHFA. FHFA will provide the Enterprises annually with information specifying how the median family income estimates for metropolitan and non-metropolitan areas are to be applied for purposes of determining median income.''

Comments on Proposed Rule and FHFA determination. FHFA did not receive any comments on these technical revisions, and the final rule adopts the changes as proposed.

2. Definitions of ''Metropolitan Area'' and ''Non-Metropolitan Area''

The current regulation defines both ''metropolitan area'' and ''non-metropolitan area'' based on the areas for which HUD defines median family incomes. The definition of ''metropolitan area'' refers to median family income estimates ''determined by HUD,'' while the definition of ''non-metropolitan area'' refers to median family income estimates ''published annually by HUD.''

To be consistent with the changes to the definition of ''median income,'' the final rule revises the definition of ''metropolitan area'' by replacing the phrase ''for which median family income estimates are determined by HUD'' with the phrase ''for which median incomes are determined by FHFA.'' For the same reason, the final rule revises the definition of ''non-metropolitan area'' by replacing the phrase ''for which median family income estimates are published annually by HUD'' with the phrase '', for which median incomes are determined by FHFA.''

Comments on Proposed Rule and FHFA determination. FHFA did not receive any comments on these technical revisions, and the final rule adopts the changes as proposed.

3. Definition of ''AHS'' (American Housing Survey)

Consistent with the proposed rule, the final rule removes the definition of ''AHS'' from § 1282.1 because the term is no longer used in the Enterprise housing goals regulation.

Prior to the 2015 amendments to the Enterprise housing goals regulation, the term ''AHS'' was used to specify the data source from which FHFA derives the utility allowances used to determine the total rent for a rental unit which, in turn, is used to determine the affordability of the unit when actual utility costs are not available. The 2015 amendments consolidated and simplified the definitions applicable to determining the total rent and eliminated the reference to AHS in the part of the definition related to utility allowances, providing FHFA with flexibility in how it determines the nationwide average utility allowances. The current nationwide average utility allowances are still fixed numbers based on AHS data, but the regulation does not require FHFA to rely solely on AHS data to determine those utility allowances. The term ''AHS'' is not used anywhere else in the regulation, so the final rule removes the definition from § 1282.1.

Comments on Proposed Rule and FHFA determination. FHFA did not receive any comments on this technical revision, and the final rule adopts the change as proposed.

B. Data Source for Estimating Affordability of Multifamily Rental Units—Proposed § 1282.15(e)(2)

The final rule revises § 1282.15(e)(2) to update the data source used by FHFA to estimate affordability where actual information about rental units in a multifamily property is not available.

Section 1282.15(e)(3) permits the Enterprises to use estimated affordability information to determine the affordability of multifamily rental units for up to 5 percent of the total multifamily rental units in properties securing mortgages purchased by the Enterprise each year when actual rental information about the units is not available. The estimations are based on the affordable percentage of all rental units in the census tract in which the property for which the Enterprise is estimating affordability is located.

The current regulation provides that the affordable percentage of all rental units in the census tract will be determined by FHFA based on the most recent decennial census. However, the 2000 decennial census was the last decennial census that collected this information. The U.S. Census Bureau now collects this information through the ACS. Since 2011, FHFA has used the most recent data available from the ACS to determine the affordable percentage of rental units in a census tract for purposes of estimating affordability. The final rule revises § 1282.15(e)(2) to reflect this change. To take into account possible future changes in how rental affordability data is collected, the revised sentence does not refer specifically to data derived from the ACS. The final rule revises § 1282.15(e)(2) to replace the phrase ''as determined by FHFA based on the most recent decennial census'' with the phrase ''as determined by FHFA.''

Comments on Proposed Rule and FHFA determination. FHFA did not receive any comments on this change, and the final rule adopts the change as proposed.

C. Determination of Median Income for Certain Census Tracts—Proposed § 1282.15(g)(2)

Consistent with the proposed rule, the final rule revises § 1282.15(g) to remove paragraph (g)(2), an obsolete provision describing the method that the Enterprises were required to use to determine the median income for a census tract where the census tract was split between two areas with different median incomes.

Current § 1282.15(g)(2) requires the Enterprises to use the method prescribed by the Federal Financial

Institutions Examination Council to determine the median income for certain census tracts that were split between two areas with different median incomes. This provision was put in place by the 1995 final rule published by HUD establishing Enterprise housing goals under the Safety and Soundness Act.[59]

As discussed above regarding the definition of ''median income,'' the process of determining median incomes has changed over the years, so that the Enterprises are now required to use median incomes provided by FHFA each year when determining affordability for purposes of the housing goals. Because FHFA provides median incomes for every location in the United States, it is no longer necessary for the regulation to set forth a process for the Enterprises to use when it is not certain what the applicable median income would be for a particular location. Consequently, the final rule removes § 1282.15(g)(2) from the regulation and renumbers § 1282.15(g)(1).

Comments on Proposed Rule and FHFA determination. FHFA did not receive any comments on this change, and the final rule adopts the change as proposed.

D. Housing Plan Timing—Proposed § 1282.21(b)(3)

Consistent with the proposed rule, the final rule revises § 1282.21(b)(3) to make clear that the Director has discretion to determine the appropriate period of time that an Enterprise may be subject to a housing plan to address a failure to meet a housing goal.

The final rule revises § 1282.21(b)(3) to state explicitly that a housing plan that is required based on an Enterprise's failure to achieve a housing goal will be required to address a time period determined by the Director. If FHFA requires an Enterprise to submit a housing plan, FHFA will notify the Enterprise of the applicable time period in FHFA's final determination on the housing goals performance of the Enterprise for a particular year. This change is based on (1) FHFA's experience in overseeing the housing goals, in particular the experience in requiring Freddie Mac to submit a housing plan based on its failure to achieve certain housing goals in 2014 and 2015, (2) the inherent conflict in the timeframes set out in the Safety and Soundness Act, and (3) the importance of ensuring that any housing plans are focused on sustainable improvements in Enterprise goals performance.

Comments on Proposed Rule. FHFA received four comments on this proposed revision. One commenter supported the revision and FHFA's efforts to provide ''a clear and transparent process by which [the Enterprise] is expected to carry out the housing plan.'' One commenter was supportive but recommended that the housing plan timing be ''time bound and defined,'' rather than left to the discretion of the Director. Two commenters recommended a tougher approach to enforcement of the goals and encouraged FHFA to impose civil and monetary penalties for failure to meet the goals. One commenter also requested that FHFA publish the housing plans and progress reports, and provide an opportunity for the public to review and comment on the housing plans.

FHFA determination. The final rule amends § 1282.21(b)(3) to provide that a housing plan will be required to address a time period determined by the Director. This change is consistent with the proposed rule. The final rule does not define the applicable time period, which will allow FHFA to establish an appropriate time period based on the facts and circumstances in each case.

FHFA is committed to enforcing the housing goals as provided in the Safety and Soundness Act. FHFA required that an Enterprise submit a housing plan for the first time in 2015. FHFA required Freddie Mac to submit a housing plan for 2016–2017 based on Freddie Mac's failure to meet the low-income and very low-income housing goals in 2013 and 2014. FHFA extended the housing plan through 2018 after Freddie Mac failed to meet the same goals in 2015. Freddie Mac submitted detailed proposals for improving its performance on those housing goals in the housing plan, and Freddie Mac continues to provide regular updates to FHFA. The Safety and Soundness Act provides for enforcement through civil money penalties and cease and desist orders if an Enterprise refuses to submit a housing plan when required, submits an unacceptable plan, or fails to comply with a housing plan.[60] FHFA may take such action in appropriate circumstances.

When FHFA has required an Enterprise to submit a housing plan based on a failure to meet one or more housing goals, FHFA has required that the housing plan include detailed plans for future business initiatives and other actions that the Enterprise will take to improve its performance on the housing goals. For example, the Freddie Mac housing plan included proprietary forecasts for specific initiatives and programs that Freddie Mac is undertaking to improve its performance on the applicable housing goals. The level of detail required means that almost all of the information in the housing plan will be competitively sensitive. For that reason, the final rule does not provide for publication of any housing plan that an Enterprise may be required to submit. FHFA values the input of external entities on this process and recognizes commenters' desires for more information. FHFA will continue to review policies and procedures related to housing goals enforcement and may consider options to increase transparency related to Enterprise housing plans, either by future rulemaking or other changes to FHFA's processes.

VII. Paperwork Reduction Act

This final rule does not contain any information collection requirement that would require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to OMB for review.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of this final rule under the Regulatory Flexibility Act. The General Counsel of FHFA certifies that the rule is not likely to have a significant economic impact on a substantial number of small entities because the rule applies to Fannie Mae and Freddie Mac, which are not small entities for purposes of the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 1282

Mortgages, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons stated in the **SUPPLEMENTARY INFORMATION**, under the authority of 12 U.S.C. 4511, 4513 and 4526, FHFA amends part 1282 of Title

[59] *See* 60 FR 61846 (Dec. 1, 1995).

[60] 12 U.S.C. 4566(c)(1).

12 of the Code of Federal Regulations as follows:

PART 1282—ENTERPRISE HOUSING GOALS AND MISSION

■ 1. The authority citation for part 1282 continues to read as follows:

Authority: 12 U.S.C. 4501, 4502, 4511, 4513, 4526, 4561–4566.

■ 2. Amend § 1282.1 as follows:
■ a. Remove the definition of ''AHS''; and
■ b. Revise the definitions of ''Median income,'' ''Metropolitan area,'' and ''Non-metropolitan area.''

The revisions read as follows:

§ 1282.1 Definitions.

* * * * *

Median income means, with respect to an area, the unadjusted median family income for the area as determined by FHFA. FHFA will provide the Enterprises annually with information specifying how the median family income estimates for metropolitan and non-metropolitan areas are to be applied for purposes of determining median income.

Metropolitan area means a metropolitan statistical area (MSA), or a portion of such an area, including Metropolitan Divisions, for which median incomes are determined by FHFA.

* * * * *

Non-metropolitan area means a county, or a portion of a county, including those counties that comprise Micropolitan Statistical Areas, located outside any metropolitan area, for which median incomes are determined by FHFA.

* * * * *

■ 3. Revise paragraphs (c)(2), (d)(2), (f)(2), and (g)(2) of § 1282.12 to read as follows:

§ 1282.12 Single-family housing goals.

* * * * *

(c) * * *

(2) The benchmark level, which for 2018, 2019 and 2020 shall be 24 percent of the total number of purchase money mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

(d) * * *

(2) The benchmark level, which for 2018, 2019 and 2020 shall be 6 percent of the total number of purchase money mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

* * * * *

(f) * * *

(2) The benchmark level, which for 2018, 2019 and 2020 shall be 14 percent of the total number of purchase money mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

(g) * * *

(2) The benchmark level, which for 2018, 2019 and 2020 shall be 21 percent of the total number of refinancing mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

■ 4. Revise § 1282.13 to read as follows:

§ 1282.13 Multifamily special affordable housing goal and subgoals.

(a) *Multifamily housing goal and subgoals.* An Enterprise shall be in compliance with a multifamily housing goal or subgoal if its performance under the housing goal or subgoal meets or exceeds the benchmark level for the goal or subgoal, respectively.

(b) *Multifamily low-income housing goal.* The benchmark level for each Enterprise's purchases of mortgages on multifamily residential housing affordable to low-income families shall be at least 315,000 dwelling units affordable to low-income families in multifamily residential housing financed by mortgages purchased by the Enterprise in each year for 2018, 2019, and 2020.

(c) *Multifamily very low-income housing subgoal.* The benchmark level for each Enterprise's purchases of mortgages on multifamily residential housing affordable to very low-income families shall be at least 60,000 dwelling units affordable to very low-income families in multifamily residential housing financed by mortgages purchased by the Enterprise in each year for 2018, 2019, and 2020.

(d) *Small multifamily low-income housing subgoal.* The benchmark level for each Enterprise's purchases of mortgages on small multifamily properties affordable to low-income families shall be at least 10,000 dwelling units affordable to low-income families in small multifamily properties financed by mortgages purchased by the Enterprise in each year for 2018, 2019, and 2020.

§ 1282.15 [Amended]

■ 5. Amend § 1282.15 as follows:
■ a. In paragraph (e)(2) remove the phrase ''based on the most recent decennial census''; and
■ b. Revise paragraph (g).

The revisions read as follows:

§ 1282.15 General counting requirements.

* * * * *

(g) *Application of median income.* For purposes of determining an area's median income under §§ 1282.17 through 1282.19 and the definitions in § 1282.1, the area is:

(1) The metropolitan area, if the property which is the subject of the mortgage is in a metropolitan area; and

(2) In all other areas, the county in which the property is located, except that where the State non-metropolitan median income is higher than the county's median income, the area is the State non-metropolitan area.

* * * * *

■ 6. Amend § 1282.21 by revising paragraph (b)(3) to read as follows:

§ 1282.21 Housing plans.

* * * * *

(b) * * *

(3) Describe the specific actions that the Enterprise will take in a time period determined by the Director to improve the Enterprise's performance under the housing goal; and

* * * * *

Dated: February 5, 2018.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2018–02649 Filed 2–9–18; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0811; Product Identifier 2017–NM–068–AD; Amendment 39–19184; AD 2018–03–11]

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–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a report of rudder yoke components that had not been properly inspected at the supplier. This AD requires replacement of the left and right rudder yoke assemblies. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 19, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 19, 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, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0811.

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–2017–0811; 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, 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–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on September 13, 2017 (82 FR 42955) (''the NPRM''). The NPRM was prompted by a report of rudder yoke components that had not been properly inspected at the supplier. The NPRM proposed to require replacement of the left and right rudder yoke assemblies. We are issuing this AD to prevent a cracked rudder yoke, which may affect rudder function on the affected side and could result in difficulties in maneuvering the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2017–10, dated February 27, 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–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> Bombardier Aerospace has informed Transport Canada that a number of rudder yoke components were received which had not been properly inspected at the supplier. The rudder yoke supplier discovered that the crack detection inspection was omitted following the manufacturing of some components. A cracked rudder yoke may affect rudder function on the affected side and could result in difficulties in maneuvering the aeroplane.
>
> This [Canadian] AD was issued to mandate the replacement of the left and right rudder yoke assemblies.

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–2017–0811.

Comments

We gave the public the opportunity to participate in developing this final rule. We considered the comment received. The Air Line Pilots Association, International supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for 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.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued Service Bulletin 670BA–27–073, dated November 23, 2016. This service information describes procedures for replacement of the left and right rudder yoke assemblies. 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 48 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
Replacement of rudder yoke assemblies.	51 work-hours × $85 per hour = $4,335.	Negligible	$4,335	$208,080

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

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):

2018–03–11 Bombardier, Inc.: Amendment 39–19184; Docket No. FAA–2017–0811; Product Identifier 2017–NM–068–AD.

(a) Effective Date

This AD is effective March 19, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial number 10343.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15326 through 15370 inclusive.

(3) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19041 and 19042.

(d) Subject

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

(e) Reason

This AD was prompted by a report of rudder yoke components that had not been properly inspected at the supplier. We are issuing this AD to prevent a cracked rudder yoke, which may affect rudder function on the affected side and could result in difficulties in maneuvering the airplane.

(f) Compliance

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

(g) Replacement of Left and Right Rudder Yoke Assemblies

Within 6,600 flight hours after the effective date of this AD, replace the left and right rudder yoke assemblies, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–073, dated November 23, 2016.

(h) 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 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) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2017–10, dated February 27, 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–2017–0811.

(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.

(j) 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 670BA–27–073, dated November 23, 2016.

(ii) Reserved.

(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, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(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 Renton, Washington, on January 25, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02356 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0076; Product Identifier 2013–NM–227–AD; Amendment 39–19194; AD 2018–03–21]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–202, –203, –223, and –243 airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by a design review of the airplane configuration incorporating certain fire extinguisher bottles and an optional galley cooling rack installation, which revealed that the air cooling rack is installed too close to the supply hose of a high rate fire extinguishing bottle. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 27, 2018.

We must receive comments on this AD by March 29, 2018.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0076; or in person at the Docket Operations office 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 Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2014–0248, dated November 19, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–202, –203, –223, and –243 airplanes. The MCAI states:

> During a design review of aeroplane configuration incorporating Kidde fire extinguisher bottles and optional galley cooling rack installation, it was identified that the air cooling rack is installed too close to the supply hose of the high rated fire extinguishing bottle in the area of frame (FR)34. Inadequate physical separation between the flexible hose and the air cooling rack could lead to chafing, likely resulting in loss of the Fire Extinguishing System for the Lower Deck Cargo Compartment.
>
> This condition, if not corrected, could lead, in case of fire, to an uncontrolled fire in the cargo compartment, which could ultimately jeopardise the aeroplane's safe flight.
>
> To address this unsafe condition, Airbus developed an improved flexible hose assembly (Airbus mod 200195, available for in-service aeroplanes through Airbus SB A330–26–3046) and EASA issued AD 2013–0250 (later revised) to require replacement of Part Number (P/N) P/N A2627045200000 flexible hose assembly of the Fire Extinguisher System at FR34.
>
> Since EASA AD 2013–0250R1 was issued, it was discovered that another flexible hose assembly, P/N A2627045400200, is also affected by this chafing issue.
>
> Prompted by this finding, Airbus issued SB A330–26–3046 Revision 02 to incorporate this additional affected P/N and to provide additional work instructions for aeroplanes which accomplished the SB at a previous revision.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2013–0250R1, which is superseded, and requires additional work on aeroplanes that have already been modified in accordance with the instructions of the original issue or Revision 01 of the SB.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0076.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0076; Product Identifier 2013–NM–227–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost

estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Modification	6 work-hours × $85 per hour = $510	$399	$909

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):

2018–03–21 Airbus: Amendment 39–19194; Docket No. FAA–2018–0076; Product Identifier 2013–NM–227–AD.

(a) Effective Date

This AD becomes effective February 27, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A330–202, –203, –223, and –243 airplanes, certificated in any category, all manufacturer serial numbers which incorporate the Airbus modifications specified in paragraphs (c)(1), (c)(2), or (c)(3) of this AD; except those airplanes which incorporate Airbus modification 200195, or Airbus modification 40487 (in production modification for installation of Pacific-Scientific fire extinguisher bottles), or Airbus Service Bulletin A330–26–3013 (in-service modification for installation of Pacific-Scientific fire extinguisher bottles).

(1) Airbus modification 45785.

(2) Airbus modification 45883.

(3) Airbus modification 46616.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by a design review of the airplane configuration incorporating Kidde fire extinguisher bottles and an optional galley cooling rack installation, which revealed that the air cooling rack is installed too close to the supply hose of the high rate fire extinguishing bottle in the area of frame (FR) 34. We are issuing this AD to detect and correct inadequate physical separation between the flexible supply hose and the air cooling rack and consequent chafing and possible loss of the fire extinguishing system for the lower deck cargo compartment. Such a condition could result in an uncontrolled fire in the cargo compartment.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2014–0248, dated November 19, 2014.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to MCAI EASA AD 2014–0248, dated November 19, 2014, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0076.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

(j) Material Incorporated by Reference

None.

Issued in Renton, Washington, on February 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02750 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0075; Product Identifier 2013–NM–251–AD; Amendment 39–19193; AD 2018–03–20]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–300 series airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by a report indicating that a pipe of the fire extinguishing system in the forward cargo compartment was too long, and therefore could be installed only under stress, which applies pressure to the pipe clamp. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 27, 2018.

We must receive comments on this AD by March 29, 2018.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0075; or in person at the Docket Operations office 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 Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2013–0291, dated December 9, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–300 series airplanes. The MCAI states:

> During installation of the fire extinguishing system in the forward cargo compartment in production, it was established that one pipe was too long and could therefore only be installed under stress. This affected pipe was developed in the frame of Airbus mod 58244 and mod 58245 related to Cabin Intercommunication Data System-Based smoke detection system (CIDS-Based SDS) for A330–300 aeroplanes only.
>
> Investigation revealed that due to loads transfer, the clamp could break and the pipe would come into contact with the structure, possibly resulting in leakage in the Halon piping due to chafing, in the forward lower deck cargo compartment (LDCC), which could lead to (potentially undetected) functional loss of fire extinguishing system.
>
> This condition, if not corrected, in combination with a fire, could lead to an uncontrolled fire in LDCC, possibly resulting in the loss of aeroplane.
>
> To address this unsafe condition, Airbus developed a mod. which consists in installation of a shorter pipe, to be embodied in production with mod 202779 and in-service through Airbus Service Bulletin (SB) A330–26–3053.
>
> For the reasons described above, this [EASA] AD requires modification of the affected fire extinguishing pipe between [frame] FR34 and FR36 in the forward LDCC.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0075.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0075; Product Identifier 2013–NM–251–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires

contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Modification	8 work-hours × $85 per hour = $680	$720	$1,400

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):

2018–03–20 Airbus: Amendment 39–19193; Docket No. FAA–2018–0075; Product Identifier 2013–NM–251–AD.

(a) Effective Date

This AD becomes effective February 27, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, certificated in any category, all manufacturer serial numbers on which Airbus modification 58244 or modification 58245 has been embodied in production, except those on which modification 202779 has been embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by a report indicating that a pipe of the fire extinguishing system in the forward cargo compartment was too long, and therefore could be installed only under stress, which applies pressure to the pipe clamp. We are issuing this AD to prevent this pipe clamp from breaking, allowing the pipe to come into contact with the structure, possibly resulting in leakage in the Halon piping. This condition could lead to functional loss of the fire extinguishing system, which, in combination with a fire, could lead to an uncontrolled fire in the lower deck cargo compartment, and possible loss of the airplane.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2013–0291, dated December 9, 2013.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to MCAI EASA AD 2013–0291, dated December 9, 2013, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0075.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

(j) Material Incorporated by Reference

None.

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

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02751 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0707; Product Identifier 2016–NM–014–AD; Amendment 39–19185; AD 2018–03–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by reports of fatigue damage in the structure for the door stop fittings on certain fuselage frames (FR). This AD requires repetitive rototest inspections for cracking of the fastener holes in certain door stop fittings, and repair if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 19, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 19, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0707.

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–2017–0707; 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149.

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 Airbus Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on July 25, 2017 (82 FR 34449) (''the NPRM''). The NPRM was prompted by reports of fatigue damage in the structure for the door stop fittings on certain fuselage frames. The NPRM proposed to require repetitive rototest inspections for cracking of the fastener holes in certain door stop fittings, and repair if necessary. We are issuing this AD to detect and correct cracking at the door stop fitting holes of fuselage FR66 and FR68. Such cracking could result in reduced structural integrity of the airplane due to the failure of structural components.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0238, dated December 2, 2016; corrected January 4, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> During an A320 fatigue test campaign, it was determined that fatigue damage could appear at the door stop fitting holes of fuselage frame (FR) 66 and FR 68 on left hand (LH) and right hand (RH) sides.
>
> This condition, if not detected and corrected, could affect the structural integrity of the airframe.
>
> Two inspections, Airworthiness Limitations Item (ALI) tasks 534129 and 534130, were introduced in the Airworthiness Limitations Section (ALS) Part 2 with the April 2012 revision and with some compliance time changes with Revision 3 of ALS Part 2 of October 2014.
>
> Since these ALI tasks were implemented, a significant number of reports [were] received concerning non-critical damage and early crack findings. Prompted by these reports, Airbus published SB A320–53–1288 and SB A320–53–1290, providing inspection instructions to improve damage management and modification instructions.
>
> Consequently, EASA issued AD 2016–0015, requiring repetitive rototest inspections of the affected door stop fitting holes and, depending on findings, repair of any cracked area(s).
>
> Since that [EASA] AD was issued, ALS Part 2 Revision 04 and later on Revision 05 were published, introducing updated thresholds and/or intervals for some tasks as specified in Airbus SB A320–53–1288, introducing new configuration of aeroplane with RETRO WING having accomplished SB A320–57–1193 (mod 160080), and keeping the threshold or interval only in flight cycles (FC).
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2016–0015, which is superseded, but requires those actions within the updated thresholds and intervals. In addition, a corrected threshold for pre-mod 160021 A321 aeroplanes is introduced and the Applicability is reduced to exclude configurations that are not affected.
>
> This [EASA] AD is republished to clarify some requirements in Appendix 1 [in this EASA AD].

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–2017–0707.

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.

Request To Add a Grace Period for Certain Repetitive Inspections

United Airlines (UAL) requested that we revise paragraph (h) of the proposed AD to allow a 60-day grace period after

the effective date of this AD to give operators time to update their maintenance programs. UAL noted that for airplanes on which inspections were previously accomplished as specified in airworthiness limitation item (ALI) task 534129 or 534130, paragraph (h) of the proposed AD requires future inspections be done in accordance with Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016. UAL noted that operators who are not yet incorporating Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, may have to schedule special inspection visits instead of doing the inspections during scheduled maintenance.

We agree with the commenter's request to add a grace period to paragraph (h) of this AD to allow operators to plan for the new inspection interval. However, since the commenter did not provide adequate justification to support a 60-day grace period, we have determined that a 30-day grace period is appropriate. Additionally, under the provisions of paragraph (q)(1) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. We have revised paragraph (h) of this AD to include a 30-day grace period.

Request To Allow Deviations From the Service Information for Certain Modified Airplanes

UAL requested that either the service information or the proposed AD be revised to provide alternate instructions for airplanes with modified hardware. UAL noted that ''paragraph (i)'' of the proposed AD requires repetitive inspections on airplanes modified by cold working fastener holes, which includes installing oversize hardware. UAL pointed out that the inspections must be done in accordance with Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, which requires using nominal size hardware that no longer exists on modified airplanes.

We infer that the commenter meant to refer to paragraph (j) of the proposed AD, which discusses post-modification inspections, rather than paragraph (i) of the proposed AD, which discusses an optional modification. We agree with the commenter's request. We acknowledge that Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, does not specifically address oversize hardware; however, EASA has stated that ''the same inspection principle applies for post SB [Service Bulletin] 53–1290 configuration.'' Therefore, we have retained Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, in paragraph (j) of this AD. We have also revised paragraph (j) of this AD to include an option for operators to obtain inspection instructions using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA).

Request To Remove a Reference to a Non-Terminating Action

UAL requested that we remove the statement ''repair of an airplane as required by this paragraph does not constitute terminating action for the repetitive inspections required by paragraph (g) or (j) of this AD for that repair, unless specified otherwise'' from paragraph (k) of the proposed AD. UAL suggested that statement be replaced with one instructing operators to accomplish inspections as specified in the repair instructions.

UAL noted that paragraph (k) of the proposed AD states that a crack repair must be done using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA and says that such a repair does not constitute terminating action for the repetitive inspections done in accordance with Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, unless specified otherwise.

UAL pointed out that Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, contains language to allow operators to accomplish crack repairs in accordance with structural repair manual (SRM) 53–41–12, and then perform inspections of the repaired area in accordance with SRM 53–41–12. UAL noted that the SRM repair instructions do not state that they terminate the inspections in Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016. UAL further noted that Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, only applies to unrepaired areas with nominal size holes (the repaired areas would have oversized holes).

We disagree with the commenter's request. We acknowledge that Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, allows repairs to be done using an SRM. However, this AD does not include that allowance since SRMs published before the effective date of this AD might not address the unsafe condition identified in this AD. Therefore, paragraph (k) of this AD requires repairs to be done using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

Additionally, the statement that the commenter requested us to remove from paragraph (k) of this proposed AD aligns with the MCAI. The statement is meant to clarify that doing a repair does not necessarily terminate the repetitive inspections; the repetitive inspections would only be terminated if the repair approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA specifically states that the inspections are terminated. If the approved repair does not state that the inspections are terminated, operators must continue to inspect using Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016, or using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. Therefore, we have not changed the requirements in paragraph (k) of this AD nor have we removed the statement identified by the commenter. However, we have revised paragraph (g) of this AD to include an option for operators to obtain inspection instructions using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

Request To Remove Requirement To Obtain Certain Inspection Instructions

UAL requested that we remove paragraph (l)(2) of the proposed AD because it has no real purpose. UAL noted that paragraph (l)(2) of the proposed AD requires operators to obtain inspection instructions and corrective actions for all repaired fastener holes by contacting the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. UAL claimed that if a repair was accomplished using the instructions in an SRM or repair design approval sheet (RDAS), the repair approval contains, at a minimum, the initial compliance threshold. UAL added that it is standard

practice for operators to contact Airbus prior to the inspection threshold if the compliance method and intervals are not yet defined.

We disagree with the commenter's request. Airbus intends to provide specific instructions for airplanes inspected in accordance with ALI task 534129 or task 534130 and repaired in accordance with an SRM or RDAS published before the effective date of this AD. Since repair instructions published before the effective date of this AD might not address the unsafe condition identified in this AD, the SRM or RDAS instructions might need to be re-evaluated or revised to address the unsafe condition. In addition, we do not rely on an operator's standard practices, and instead require operators to obtain inspections and corrective actions to address the unsafe condition. We have not revised this AD regarding this issue.

Request To Clarify Actions for Airplanes With Certain Repairs

UAL requested that we delete paragraph (n) of the proposed AD. UAL noted that paragraph (n) of the proposed AD requires operators to determine if a repair was done using an RDAS that is unrelated to ALI task 534129 or task 534130. UAL suggested that the repair instructions would have to state that the damage was found as a result of the applicable ALI, but noted that the ALI task is an inspection that may not be referenced in a documented repair. UAL questioned the relevance of whether or not a repair was related to ALI task 534129 or task 534130, noting that the same considerations are given to repair instructions, regardless of how damage was found. UAL stated that operators would know to seek an alternative method of compliance (AMOC) if they cannot inspect a previously repaired area in accordance with Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016.

We disagree with the commenter's request. The intent of paragraph (n) of the proposed AD is to require operators to re-evaluate existing repairs performed using an Airbus RDAS unrelated to ALI task 534129 or task 534130 because those repairs may not address the findings from the specific inspection types required by the ALI tasks. Therefore, the corresponding repairs might not address the unsafe condition and operators might need new instructions. We have not changed this AD in this regard.

Request To Verify the Latest Service Information is Referenced

UAL requested that, prior to the release of this final rule, we verify that we are referencing the latest revisions of Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016; and Airbus Service Bulletin A320–53–1290, Revision 01, dated October 3, 2016.

We agree with the commenter's request. We have verified that no later revisions of the service information have been issued, and no change is needed to this AD.

Explanation of Change to the Final Rule

In the proposed AD, Table 1 to paragraphs (g) and (j) of this AD and Table 2 to paragraphs (g) and (j) of this AD included a compliance time that stated ''. . . or before November 30, 2017. . . .'' Since this final rule will become effective after November 30, 2017, we have changed this statement to read ''. . . or within 30 days after the effective date of this AD. . . .'' We have determined that this revised compliance time addresses the unsafe condition.

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

Airbus has issued the following service information.

- Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016. This service information describes procedures for rototest inspections for cracking of the fastener holes in the airframe structure for the door stop fittings installation in FR66 and FR68.
- Airbus Service Bulletin A320–53–1290, Revision 01, dated October 3, 2016. This service information describes procedures for cold working the fastener holes in the airframe structure for the door stop fittings installation in FR66 and FR68.

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 1,084 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	23 work-hours × $85 per hour = $1,955 per inspection cycle.	$0	$1,955 per inspection cycle ..	$2,119,220 per inspection cycle.

We estimate the following costs to do any necessary repairs that would be required based on the results of the required inspection. We have no way of determining the number of aircraft that might need this repair.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	27 work-hours × $85 per hour = $2,295	$610	$2,905

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):

2018–03–12 Airbus: Amendment 39–19185; Docket No. FAA–2017–0707; Product Identifier 2016–NM–014–AD.

(a) Effective Date

This AD is effective March 19, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, 231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers, except airplanes specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Airplanes on which Airbus modification (Mod) 157039 has been embodied in production.

(2) Model A319 series airplanes on which Mod 28238, Mod 28162, and Mod 28342 have been embodied in production.

(3) Model A318 series airplanes on which Mod 39195 has been embodied in production or Airbus Service Bulletin A320–00–1219 has been embodied in service.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of fatigue damage in the structure for the door stop fittings on certain fuselage frames (FR). We are issuing this AD to detect and correct cracking at the door stop fitting holes of fuselage FR66 and FR68. Such cracking could result in reduced structural integrity of the airplane due to the failure of structural components.

(f) Compliance

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

(g) Repetitive Rototest Inspections

Within the applicable compliance times specified in table 1 to paragraphs (g) and (j) of this AD and table 2 to paragraphs (g) and (j) of this AD: Do a rototest inspection of all holes below each door stop fitting at fuselage FR66 and FR68, both left-hand (LH) and right-hand (RH) sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016; or using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Repeat the inspections thereafter at the applicable compliance times specified in table 1 to paragraphs (g) and (j) of this AD and table 2 to paragraphs (g) and (j) of this AD, until the modification specified in paragraph (i) of this AD is done. Where the ''Threshold'' column of table 1 to paragraphs (g) and (j) of this AD and table 2 to paragraphs (g) and (j) of this AD, specifies compliance times in ''FC'' (flight cycles), those compliance times are total flight cycles since the first flight of the airplane.

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Table 1 to paragraphs (g) and (j) of this AD – *Aft passenger/crew door cut-out door stop fittings holes at FR 66 WEB LH/RH*

Airplanes affected	Threshold	Interval (not to exceed)
A318-PAX (A318-passenger)	Before 33,800 FC	5,900 FC
A319-PAX pre-mod 160001 and pre-mod 160080	Before 42,700 FC	7,500 FC
A319-PAX post-mod 160001 OR A319-PAX post-mod 160080	Before 40,300 FC	7,200 FC
A320 pre-mod 160001 and pre-mod 160080	Before 48,000 FC	9,700 FC
A320 post-mod 160001 OR A320 post-mod 160080	Before 45,000 FC	7,800 FC
A321 pre-mod 160021	Before 34,500 FC or within 30 days after the effective date of this AD, whichever is later without exceeding the accumulation of 42,300 FC since first flight	17,000 FC
A321 post-mod 160021	39,400 FC	8,500 FC

Table 2 to paragraphs (g) and (j) of this AD - *Aft passenger/crew door cut-out door stop fittings holes at FR68 WEB LH/RH*

Airplanes affected	Threshold	Interval (not to exceed)
A318-PAX	Before 30,800 FC	5,900 FC
A319-PAX pre-mod 160001 and pre-mod 160080	Before 34,400 FC	7,500 FC
A319-PAX post-mod 160001 OR A319-PAX post-mod 160080	Before 33,500 FC	7,200 FC

Airplanes affected	Threshold	Interval (not to exceed)
A320	Before 40,900 FC	9,700 FC
A321 pre-mod 160021	Before 24,400 FC or within 30 days after the effective date of this AD, whichever is later, without exceeding the accumulation of 39,300 FC since first flight	13,600 FC
A321 post-mod 160021	Before 39,300 FC	8,500 FC

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(h) Airworthiness Limitations Item (ALI) Inspections Accomplished Before the Effective Date of This AD

Inspections accomplished as specified in ALI task 534129 or task 534130 before the effective date of this AD are acceptable for compliance with the initial inspection required by paragraph (g) of this AD. As of 30 days after the effective date of this AD, repetitive inspections must be continued as required by paragraph (g) of this AD.

(i) Optional Modification

For airplanes on which no cracks were detected during any rototest inspection required by paragraph (g) of this AD: Modifying the affected area by cold working the fastener holes before further flight after no cracks were detected, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1290, Revision 01, dated October 3, 2016, terminates the repetitive inspections required by paragraph (g) of this AD for the modified area only.

(j) Post-Modification Repetitive Inspections

For airplanes on which the modification specified in paragraph (i) of this AD has been done: At the compliance time specified in paragraphs (j)(1), (j)(2), or (j)(3) of this AD, as applicable, accomplish a rototest inspection of all holes at the door stop fitting locations at fuselage FR66 and FR68, both LH and RH sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016; or using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Repeat the inspection thereafter at intervals not to exceed the applicable compliance times specified in table 1 to paragraphs (g) and (j) of this AD and table 2 to paragraphs (g) and (j) of this AD.

(1) For airplanes with less than 1,800 flight cycles accumulated since first flight of the airplane at the time of accomplishing the modification specified in paragraph (i) of this AD: At the applicable initial compliance time specified in table 1 to paragraphs (g) and (j) of this AD and table 2 to paragraphs (g) and (j) of this AD.

(2) For airplanes with 1,800 flight cycles or more and less than 13,800 flight cycles accumulated since first flight of the airplane at the time of accomplishing the modification specified in paragraph (i) of this AD: Before the accumulation of 48,000 flight cycles since first flight of the airplane.

(3) For airplanes with 13,800 flight cycles or more accumulated since first flight of the airplane at the time of accomplishing the modification specified in paragraph (i) of this AD: Before the accumulation of 60,000 flight cycles since first flight of the airplane.

(k) Repair

If, during any inspection required by paragraph (g) or (j) of this AD, any crack is detected, before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. Repair of an airplane as required by this paragraph does not constitute terminating action for the repetitive inspections required by paragraph (g) or (j) of this AD for that airplane, unless specified otherwise in instructions obtained using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

(l) Post-Repair Actions for Certain Airplanes

For an airplane that has been inspected as specified in ALI task 534129 or task 534130 and repaired before the effective date of this AD as specified in the applicable structural repair manual (SRM) or as specified in an Airbus repair design approval sheet (RDAS): Comply with the requirements of paragraphs (l)(1) and (l)(2) of this AD.

(1) For all fastener holes where no damage or cracks were detected (*i.e.,* those not repaired), accomplish the actions required by paragraph (g) of this AD, unless the terminating action specified in paragraph (m) of this AD has been done.

(2) For all repaired fastener holes: Within 30 days after the effective date of this AD, or within a compliance time approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA, whichever occurs later, contact the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA; for inspection instructions and applicable corrective actions, and do the inspections and applicable corrective actions accordingly.

(m) Terminating Action for Certain Airplanes

For airplanes that have been inspected, as specified in ALI task 534129 or task 534130, and repaired before the effective date of this AD, as specified in the applicable SRM, or as specified in an Airbus RDAS: Modification of the four fastener holes at door stop locations where no damage or crack was detected (*i.e.,* door stop locations not repaired) by cold working holes before further flight after no cracks were detected, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1290, Revision 01, dated October 3, 2016, constitutes terminating action for the repetitive inspections of those four fastener holes at those door stop locations as required by paragraphs (g) or (l)(1) of this AD for that airplane.

(n) Actions for Airplanes With Certain Repairs

For an airplane that has been repaired before the effective date of this AD in the areas described in this AD using an Airbus RDAS unrelated to ALI task 534129 or task 534130: Before exceeding the compliance times specified in paragraph (g) of this AD, contact the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA; for corrective action instructions and accomplish those instructions accordingly. Accomplishment of corrective action(s) on an airplane, as required by this paragraph, does not constitute terminating action for the repetitive inspections as required by paragraphs (g) or (j) of this AD for that airplane, as applicable, unless specified otherwise in the instructions.

(o) Terminating Action for ALI Tasks

(1) Accomplishment of inspections on an airplane, as required by paragraphs (g), (j), or (l) of this AD, as applicable, constitutes terminating action for the inspection requirements of ALI task 534129 or task 534130, as applicable, for that airplane.

(2) Modification of the four fastener holes at a door stop location of an airplane as specified in paragraphs (i) or (m) of this AD, as applicable, and subsequent initial inspection required by paragraph (j) of this AD, constitutes terminating action for the inspection requirements of ALI task 534129 or task 534130, as applicable, for those holes for that airplane. Subsequent repetitive inspections are required by paragraph (j) of this AD.

(p) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (g) and (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1288, including Appendixes 01 and 02, dated October 10, 2014.

(2) This paragraph provides credit for actions required by paragraphs (i) and (m) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1290, dated October 10, 2014.

(q) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (r)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0238, dated December 2, 2016; corrected January 4, 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–2017–0707.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (s)(3) and (s)(4) of this AD.

(s) 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) Airbus Service Bulletin A320–53–1288, Revision 01, including Appendixes 01, 02, and 03, dated October 3, 2016.

(ii) Airbus Service Bulletin A320–53–1290, Revision 01, dated October 3, 2016.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(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 Renton, Washington, on January 29, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02359 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0901; Product Identifier 2017–NM–106–AD; Amendment 39–19183; AD 2018–03–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 757–300 series airplanes. This AD was prompted by reports of scribe line damage on fuselage skin. This AD requires detailed inspections of fuselage skin for the presence of scribe lines, and applicable on-condition actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 19, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 19, 2018.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0901.

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–2017–0901; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 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: David Truong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

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 all The Boeing Company Model 757–300 series airplanes. The NPRM published in the **Federal Register** on September 29, 2017 (82 FR 45526). The NPRM was prompted by reports of scribe line damage on fuselage skin, caused by sharp tools used during fuselage maintenance. The NPRM proposed to require detailed inspections of fuselage skin for the presence of scribe lines, and applicable on-condition actions.

We are issuing this AD to detect and correct scribe line damage. Failure to detect and completely remove scribe lines may lead to fatigue cracking, rapid decompression, and inability of the principal structural element to sustain limit load.

Comments

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

Support for the NPRM

The Boeing Company and United Airlines supported the NPRM.

Request To Add Exemption Paragraph

Delta Air Lines (Delta) asserted that any FAA-approved repair installed after the original issue date of Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017, would not have the scribe line issue because operators are using the approved sealant removal tools and instructions specified in the Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017, which would prevent the occurrence of scribe line damage. Delta requested that a paragraph be added to the proposed AD specifying that such a repair would be exempt from the requirements of the proposed AD.

We agree with the commenter's request because the Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017, provides an exception to inspection requirements for external and internal approved repairs that are installed under certain conditions, including the use and recording of the correct sealant removal procedure. An FAA-approved repair that is installed under the same conditions would also be provided the same exception to the inspection requirements. We have added paragraph (h)(3) to this AD to specify that, for the purposes of determining compliance with the requirements of this AD, the phrase ''FAA-approved repair'' may be substituted for ''approved repair'', as specified in Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the Supplemental Type Certificate (STC) ST01518SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule 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 final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017. The service information describes procedures for detecting and correcting scribe line damage on fuselage skin. 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 37 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 149 work-hours × $85 per hour = $12,665 per inspection cycle.	$0	Up to $12,665 per inspection cycle.	Up to $468,605 per inspection cycle.

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

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

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, 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):

2018–03–10 The Boeing Company: Amendment 39–19183; Docket No. FAA–2017–0901; Product Identifier 2017–NM–106–AD.

(a) Effective Date

This AD is effective March 19, 2018.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 757–300 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSTC.nsf/0/38b606833bbd98b386257faa00602538/$FILE/ST01518SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of scribe line damage on fuselage skin, caused by sharp tools used during fuselage maintenance. We are issuing this AD to detect and correct scribe line damage. Failure to detect and completely remove scribe lines may lead to fatigue cracking, rapid decompression, and inability of the principal structural element to sustain limit load.

(f) Compliance

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

(g) Required Actions

Except as provided by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD, the phrase ''the effective date of this AD'' may be substituted for ''the original issue date of this service bulletin,'' as specified in Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017.

(2) Where Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017, specifies contacting Boeing, and specifies that action as RC: This AD requires repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) For purposes of determining compliance with the requirements of this AD, the phrase ''FAA-approved repair'' may be substituted for ''approved repair,'' as specified in Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (h)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

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

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

(j) Related Information

For more information about this AD, contact David Truong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

(k) 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 the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 757–53A0107, dated July 20, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial

Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(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 Renton, Washington, on January 26, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02358 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0189; FRL–9973–61–OAR]

Approval and Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan Revisions; Withdrawal of Federal Implementation Plan for NO_X for Electric Generating Units in Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending a Federal Implementation Plan (FIP) that addresses regional haze for the first planning period for Arkansas that was published in the **Federal Register** on September 27, 2016, as it applies to the nitrogen oxide (NO_X) requirements for the Arkansas Electric Cooperative Corporation (AECC) Bailey Plant Unit 1; AECC McClellan Plant Unit 1; the American Electric Power/Southwestern Electric Power Company (AEP/SWEPCO) Flint Creek Plant Boiler No. 1; Entergy Arkansas, Inc. (Entergy) Lake Catherine Plant Unit 4; Entergy White Bluff Plant Units 1 and 2 and the Auxiliary Boiler; and Entergy Independence Plant Units 1 and 2. We are removing these FIP requirements because in a separate action being published in this **Federal Register**, we are taking final action to approve revisions to the Arkansas State Implementation Plan (SIP) submitted by the State of Arkansas through the Arkansas Department of Environmental Quality (ADEQ) on October 31, 2017, that address NO_X requirements for the nine aforementioned units.

DATES: This final rule will be effective March 14, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R06–OAR–2015–0189. All documents in the dockets are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Dayana Medina, (214) 665–7241; *medina.dayana@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Table of Contents

I. What is the background for this action?
II. What final action is EPA taking?
III. Responses to Comments Received
IV. Statutory and Executive Order Reviews

I. What is the background for this action?

Arkansas submitted a SIP revision on September 9, 2008, to address the first regional haze implementation period. On August 3, 2010, Arkansas submitted a SIP revision with non-substantive revisions to the Arkansas Pollution Control and Ecology Commission (APCEC) Regulation 19, Chapter 15; this Chapter identified the BART-eligible and subject-to-BART sources in Arkansas and established the BART emission limits for subject-to-BART sources. On September 27, 2011, the State submitted supplemental information to address the regional haze requirements. We are hereafter referring to these regional haze submittals collectively as the ''2008 Arkansas Regional Haze SIP.'' On March 12, 2012, we partially approved and partially disapproved the 2008 Arkansas Regional Haze SIP.[1] On September 27, 2016, we published a FIP (the Arkansas Regional Haze FIP) addressing the disapproved portions of the 2008 Arkansas Regional Haze SIP.[2] Among other things, the FIP established NO_X emission limits under the BART requirements for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; and White Bluff Units 1 and 2 and the Auxiliary Boiler. The FIP also established NO_X emission limits under the reasonable progress requirements for Independence Units 1 and 2.

In response to petitions submitted by the State of Arkansas and industry parties seeking reconsideration and an administrative stay of the final Arkansas Regional Haze FIP,[3] in a letter dated April 14, 2017, we announced the convening of a proceeding to reconsider several elements of the FIP, including the appropriate compliance dates for the NO_X emission limits for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2.[4] EPA also published a document in the **Federal Register** on April 25, 2017, administratively staying the effectiveness of the 18-month NO_X compliance dates in the FIP for these units for a period of 90 days.[5] On July 13, 2017, the EPA published a proposed rule that would extend the FIP's NO_X compliance dates for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2, by 21 months to January 27, 2020.[6] [7]

On July 12, 2017, Arkansas submitted a proposed SIP revision with a request for parallel processing, addressing the NO_X requirements for Bailey Unit 1, McClellan Unit 1, Flint Creek Boiler No. 1, Lake Catherine Unit 4, White Bluff Units 1 and 2 and the Auxiliary Boiler, and Independence Units 1 and 2 (Arkansas Regional Haze NO_X SIP

[1] 77 FR 14604.

[2] 81 FR 66332; see also 81 FR 68319 (October 4, 2016) (correction).

[3] See the docket associated with this proposed rulemaking for a copy of the petitions for reconsideration and administrative stay submitted by the State of Arkansas; Entergy Arkansas Inc., Entergy Mississippi Inc., and Entergy Power LLC (collectively ''Entergy''); AECC; and the Energy and Environmental Alliance of Arkansas (EEAA).

[4] Letter from E. Scott Pruitt, Administrator, EPA, to Nicholas Jacob Bronni & Jamie Leigh Ewing, Arkansas Attorney General's Office, (April 14, 2017). A copy of this letter is included in the docket, *https://www.regulations.gov/document?D=EPA-R06-OAR-2015-0189-0240.*

[5] 82 FR 18994.

[6] 82 FR 32284.

[7] EPA has not finalized the July 13, 2017 proposed rule. The separate final action approving the Arkansas Regional Haze NO_X SIP revision together with this final action EPA is taking to withdraw the source-specific NO_X emission limits for the nine EGUs in the Arkansas Regional Haze FIP, make it unnecessary to finalize our July 13, 2017 proposed rule to revise the NO_X compliance dates in the Arkansas Regional Haze FIP.

revision or Arkansas NO_X SIP revision). Arkansas' proposed July 2017 Regional Haze NO_X SIP revision addressed the NO_X BART requirements for Arkansas' EGUs by relying on participation in the Cross State Air Pollution Rule (CSAPR) ozone season NO_X trading program as an alternative to BART. The July 2017 Regional Haze NO_X SIP revision proposal also made the determination that no additional NO_X emission controls for Arkansas sources, beyond participation in CSAPR's ozone season NO_X trading program, are required for achieving reasonable progress in Arkansas. The July 2017 Regional Haze SIP revision addresses NO_X requirements for the same EGUs for which we established source-specific NO_X emission limits in the September 27, 2016 FIP. In a document published in the **Federal Register** on September 11, 2017, we proposed to approve the Arkansas Regional Haze NO_X SIP revision and proposed to withdraw corresponding parts of the FIP.[8] On October 31, 2017, we received ADEQ's final NO_X SIP revision addressing BART and reasonable progress requirements for NO_X for EGUs in Arkansas for the first implementation period. In a final action being published separately in this **Federal Register**, we are taking final action to approve the Arkansas Regional Haze NO_X SIP revision.

The background for this final rule and the separate action also being published in this **Federal Register** that approves the Arkansas Regional Haze NO_X SIP revision is also discussed in detail in our September 11, 2017 proposal.[9] The comment period was open for 30 days, and we received comments from three commenters in response to our proposed action.

II. What final action is EPA taking?

We are withdrawing those portions of the Arkansas Regional Haze FIP at 40 CFR 52.173 that impose NO_X requirements on Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and the Auxiliary Boiler; and Independence Units 1 and 2. Therefore, as of the effective date of this final rule, the Arkansas Regional Haze FIP NO_X requirements will no longer apply to the nine aforementioned units. All other provisions of the Arkansas Regional Haze FIP are unaffected by this action and remain in place.

As explained in our September 11, 2017 proposal,[10] this action is made possible because of our separate action being published in this **Federal Register** to approve the Arkansas Regional Haze NO_X SIP revision submitted to us on July 12, 2017, with a request for parallel processing. On October 31, 2017, we received ADEQ's final SIP revision addressing NO_X BART for EGUs in Arkansas and the reasonable progress requirements for NO_X for the first implementation period. The final Arkansas Regional Haze NO_X SIP revision we received on October 31, 2017, did not contain significant changes from the state's proposed SIP revision. Therefore, it is appropriate for us to take final action, as proposed, on the final SIP revision.

EPA has made the determination that the Arkansas Regional Haze NOx SIP revision is approvable because the plan's provisions meet all applicable requirements of the CAA and EPA implementing regulations. EPA is finalizing this action under section 110 and part C of the Act.

III. Responses to Comments Received

We received a total of three comment letters concerning our proposed action. The issues raised in those comment letters are summarized, along with our response to each, in the separate document being published in this **Federal Register** that approves the Arkansas Regional Haze NO_X SIP revision. Copies of the comments are available in the docket for this rulemaking.[11]

V. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This final rule revises a FIP to withdraw source-specific NO_X emission limits for only six facilities in Arkansas and is therefore not a rule of general applicability.

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

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the PRA. Burden is defined at 5 CFR 1320.3(b). This final rule revises a FIP to withdraw source-specific NO_X emission limits for six facilities in Arkansas.

D. Regulatory Flexibility Act (RFA)

I certify that this final action will not have a significant economic impact on a substantial number of small entities under the RFA. This final action will not impose any requirements on small entities. This final action revises a FIP to withdraw source-specific NO_X emission limits that apply to six power plants in Arkansas.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175, because this partial FIP withdrawal does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. This final action revises a FIP to withdraw source-specific NO_X emission limits that apply to six power plants in Arkansas. There are no Indian reservation lands in Arkansas. Thus, Executive Order 13175 does not apply to this action.

[8] 82 FR 42627.

[9] 82 FR 42627.

[10] 82 FR 42627.

[11] Please see Docket No. EPA–R06–OAR–2015–0189 in the *regulations.gov* website.

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

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

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potentially disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations.

L. Determination Under Section 307(d)

Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d), as it revises a FIP under CAA section 110(c).

M. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicably. EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability that only affects six facilities in Arkansas.

N. Petitions for Judicial Review

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

List of Subjects in 40 CFR Part 52

Air pollution control, Best available retrofit technology, Environmental protection, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Regional haze, Reporting and recordkeeping requirements, Visibility.

Dated: January 25, 2018.

E. Scott Pruitt,

Administrator.

Title 40, chapter I, 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 E—Arkansas

■ 2. Section 52.173 is amended by:
■ a. Revising paragraphs (c)(3) through (10) and (12);
■ b. Removing paragraphs (c)(13) and (14);
■ c. Redesignating paragraphs (c)(15) through (29) as paragraphs (c)(13) through (27); and
■ d. Revising newly redesignated paragraphs (c)(14), (15), (17), (18), and (20) through (24).

The revisions read as follows:

§ 52.173 Visibility protection.

* * * * *

(c) * * *

(3) *Emissions limitations for AECC Bailey Unit 1 and AECC McClellan Unit 1.* The individual SO_2 and PM emission limits for each unit are as listed in the table in this paragraph (c)(3).

Unit	SO_2 emission limit	PM emission limit
AECC Bailey Unit 1	Use of fuel with a sulfur content limit of 0.5% by weight.	Use of fuel with a sulfur content limit of 0.5% by weight.
AECC McClellan Unit 1	Use of fuel with a sulfur content limit of 0.5% by weight.	Use of fuel with a sulfur content limit of 0.5% by weight.

(4) *Compliance dates for AECC Bailey Unit 1 and AECC McClellan Unit 1.* The owner or operator of each unit must comply with the SO_2 and PM requirements listed in paragraph (c)(3) of this section by October 27, 2021. As of October 27, 2016, the owner or operator of each unit shall not purchase fuel for combustion at the unit that does not meet the sulfur content limit in paragraph (c)(3) of this section. The owner or operator of each unit must comply with the requirement in paragraph (c)(3) of this section to burn only fuel with a sulfur content limit of 0.5% by weight by October 27, 2021.

(5) *Compliance determination and reporting and recordkeeping requirements for AECC Bailey Unit 1 and AECC McClellan Unit 1 for SO_4 and PM.* To determine compliance with the SO_2 and PM requirements listed in paragraph (c)(3) of this section, the owner or operator shall sample and analyze each shipment of fuel to determine the sulfur content by weight, except for natural gas shipments. A ''shipment'' is considered delivery of the entire amount of each order of fuel purchased. Fuel sampling and analysis may be performed by the owner or operator of an affected unit, an outside laboratory, or a fuel supplier. All records pertaining to the sampling of each shipment of fuel as described in this paragraph (c)(5), including the results of the sulfur content analysis, must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives.

(6) *Emissions limitations for AEP Flint Creek Unit 1 and Entergy White Bluff Units 1 and 2.* The individual SO_2 emission limits for each unit are as listed in the table in this paragraph (c)(6), as specified in pounds per million British thermal units (lb/MMBtu). The SO_2 emission limits of 0.06 lb/MMBtu are on a rolling 30 boiler-operating-day averaging period.

Unit	SO_2 emission limit (lb/MMBtu)
AEP Flint Creek Unit 1	0.06
Entergy White Bluff Unit 1	0.06

Unit	SO_2 emission limit (lb/MMBtu)
Entergy White Bluff Unit 2	0.06

(7) *Compliance dates for AEP Flint Creek Unit 1 and Entergy White Bluff Units 1 and 2.* The owner or operator of AEP Flint Creek Unit 1 must comply with the SO_2 emission limit listed in paragraph (c)(6) of this section by April 27, 2018. The owner or operator of White Bluff Units 1 and 2 must comply with the SO_2 emission limit listed in paragraph (c)(6) of this section by October 27, 2021.

(8) *Compliance determination and reporting and recordkeeping requirements for AEP Flint Creek Unit 1 and Entergy White Bluff Units 1 and 2.* (i) For purposes of determining compliance with the SO_2 emission limit listed in paragraph (c)(6) of this section for AEP Flint Creek Unit 1 and with the SO_2 emission limits listed in paragraph (c)(6) of this section for White Bluff Units 1 and 2, the emissions for each boiler-operating-day for each unit shall be determined by summing the hourly emissions measured in pounds of SO_2. For each unit, heat input for each boiler-operating-day shall be determined by adding together all hourly heat inputs, in millions of BTU. Each boiler-operating-day of the 30-day rolling average for a unit shall be determined by adding together the pounds of SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the heat input during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/MMBtu emissions of SO_2. If a valid SO_2 pounds per hour or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the 30 boiler-operating-day rolling average for SO_2. For each day, records of the total SO_2 emitted that day by each emission unit and the sum of the hourly heat inputs for that day must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for SO_2 for each unit as described in this paragraph (c)(8)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO_2 on the units listed in paragraph (c)(6) of this section in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of 40 CFR part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. Compliance with the emission limits for SO_2 shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the units listed in paragraph (c)(6) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

(9) *Emissions limitations for Entergy White Bluff Auxiliary Boiler.* The individual SO_2 and PM emission limits for the unit are as listed in the table in this paragraph (c)(9) in pounds per hour (lb/hr).

Unit	SO_2 emission limit (lb/hr)	PM emission limit (lb/hr)
Entergy White Bluff Auxiliary Boiler	105.2	4.5

(10) *Compliance dates for Entergy White Bluff Auxiliary Boiler.* The owner or operator of the unit must comply with the SO_2 and PM emission limits listed in paragraph (c)(9) of this section by October 27, 2016.

* * * * *

(12) *Emissions limitations for Entergy Lake Catherine Unit 4.* The unit must not burn fuel oil until BART determinations are promulgated for the unit for SO_2 and PM for the fuel oil firing scenario through a FIP and/or through EPA action upon and approval of revised BART determinations submitted by the State as a SIP revision.

* * * * *

(14) *Compliance dates for Domtar Ashdown Mill Power Boiler No. 1.* The owner or operator of the boiler must comply with the SO_2 and NO_X emission limits listed in paragraph (c)(13) of this section by November 28, 2016.

(15) *Compliance determination and reporting and recordkeeping requirements for Domtar Ashdown Paper Mill Power Boiler No. 1.* (i)(A) SO_2 emissions resulting from combustion of fuel oil shall be determined by assuming that the SO_2 content of the fuel delivered to the fuel inlet of the combustion chamber is equal to the SO_2 being emitted at the stack. The owner or operator must maintain records of the sulfur content by weight of each fuel oil shipment, where a ''shipment'' is considered delivery of the entire amount of each order of fuel purchased. Fuel sampling and analysis may be performed by the owner or operator, an outside laboratory, or a fuel supplier. All records pertaining to the sampling of each shipment of fuel oil, including the results of the sulfur content analysis, must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. SO_2 emissions resulting from combustion of bark shall be determined by using the following site-specific curve equation, which accounts for the SO_2 scrubbing capabilities of bark combustion:

$$Y = 0.4005 * X - 0.2645$$

Where:

Y = pounds of sulfur emitted per ton of dry fuel feed to the boiler.

X = pounds of sulfur input per ton of dry bark.

(B) The owner or operator must confirm the site-specific curve equation through stack testing. By October 27, 2017, the owner or operator must

provide a report to EPA showing confirmation of the site-specific curve equation accuracy. Records of the quantity of fuel input to the boiler for each fuel type for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of SO_2 from that boiler-operating-day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the total number of boiler operating days (*i.e.,* 30). The result shall be the 30 boiler-operating-day rolling average in terms of lb/day emissions of SO_2. Records of the total SO_2 emitted for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling averages for SO_2 as described in this paragraph (c)(15)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) If the air permit is revised such that Power Boiler No. 1 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the SO_2 emission limit under paragraph (c)(13) of this section. The compliance determination requirements and the reporting and recordkeeping requirements under paragraph (c)(15)(i) of this section would not apply and confirmation of the accuracy of the site-specific curve equation under paragraph (c)(15)(i)(B) of this section through stack testing would not be required so long as Power Boiler No. 1 is only permitted to burn pipeline quality natural gas.

(iii) To demonstrate compliance with the NO_X emission limit under paragraph (c)(13) of this section, the owner or operator shall conduct stack testing using EPA Reference Method 7E, found at 40 CFR part 60, appendix A, once every 5 years, beginning October 27, 2017. Records and reports pertaining to the stack testing must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives.

(iv) If the air permit is revised such that Power Boiler No. 1 is permitted to burn only pipeline quality natural gas, the owner or operator may demonstrate compliance with the NO_X emission limit under paragraph (c)(13) of this section by calculating NO_X emissions using fuel usage records and the applicable NO_X emission factor under AP–42, Compilation of Air Pollutant Emission Factors, section 1.4, Table 1.4–1. Records of the quantity of natural gas input to the boiler for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the calculation of NO_X emissions for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of NO_X from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_X by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_X. Records of the 30 boiler-operating-day rolling average for NO_X must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives. Under these circumstances, the compliance determination requirements and the reporting and recordkeeping requirements under paragraph (c)(15)(iii) of this section would not apply.

* * * * *

(17) *SO_2 and NO_X Compliance dates for Domtar Ashdown Mill Power Boiler No. 2.* The owner or operator of the boiler must comply with the SO_2 and NO_X emission limits listed in paragraph (c)(16) of this section by October 27, 2021.

(18) *SO_2 and NO_X Compliance determination and reporting and recordkeeping requirements for Domtar Ashdown Mill Power Boiler No. 2.* (i) NO_X and SO_2 emissions for each day shall be determined by summing the hourly emissions measured in pounds of NO_X or pounds of SO_2. Each boiler-operating-day of the 30-day rolling average for the boiler shall be determined by adding together the pounds of NO_X or SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_X or SO_2 by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_X or SO_2. If a valid NO_X pounds per hour or SO_2 pounds per hour is not available for any hour for the boiler, that NO_X pounds per hour shall not be used in the calculation of the 30 boiler-operating-day rolling average for NO_X. For each day, records of the total SO_2 and NO_X emitted for that day by the boiler must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for SO_2 and NO_X for the boiler as described in this paragraph (c)(18)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO_2 and NO_X on the boiler listed in paragraph (c)(16) of this section in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of 40 CFR part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 60. Compliance with the emission limits for SO_2 and NO_X shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the boiler listed in paragraph (c)(16) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and NO_X and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 or NO_X pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour

period and at least 22 out of 30 successive boiler operating days.

(iv) If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the SO_2 emission limit under paragraph (c)(16) of this section. Under these circumstances, the compliance determination requirements under paragraphs (c)(18)(i) through (iii) of this section would not apply to the SO_2 emission limit listed in paragraph (c)(16) of this section.

(v) If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas and the operation of the CEMS is not required under other applicable requirements, the owner or operator may demonstrate compliance with the NO_X emission limit under paragraph (c)(16) of this section by calculating NO_X emissions using fuel usage records and the applicable NO_X emission factor under AP–42, Compilation of Air Pollutant Emission Factors, section 1.4, Table 1.4–1. Records of the quantity of natural gas input to the boiler for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the calculation of NO_X emissions for each day must be compiled no later than 15 days after the end of the month and must be maintained and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of NO_X from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_X by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_X. Records of the 30 boiler-operating-day rolling average for NO_X must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives. Under these circumstances, the compliance determination requirements under paragraphs (c)(18)(i) through (iii) of this section would not apply to the NO_X emission limit.

* * * * *

(20) *PM compliance dates for Domtar Ashdown Mill Power Boiler No. 2.* The owner or operator of the boiler must comply with the PM BART requirement listed in paragraph (c)(19) of this section by November 28, 2016.

(21) Alternative *PM Compliance Determination for Domtar Ashdown Paper Mill Power Boiler No.2.* If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the PM BART requirement under paragraph (c)(19) of this section.

(22) *Emissions limitations for Entergy Independence Units 1 and 2.* The individual emission limits for each unit are as listed in the table in this paragraph (c)(22) in pounds per million British thermal units (lb/MMBtu). The SO_2 emission limits listed in the table as lb/MMBtu are on a rolling 30 boiler-operating-day averaging period.

Unit	SO_2 Emission limit (lb/MMBtu)
Entergy Independence Unit 1	0.06
Entergy Independence Unit 2	0.06

(23) *Compliance dates for Entergy Independence Units 1 and 2.* The owner or operator of each unit must comply with the SO_2 emission limits in paragraph (c)(22) of this section by October 27, 2021.

(24) *Compliance determination and reporting and recordkeeping requirements for Entergy Independence Units 1 and 2.* (i) For purposes of determining compliance with the SO_2 emissions limit listed in paragraph (c)(22) of this section for each unit, the SO_2 emissions for each boiler-operating-day shall be determined by summing the hourly emissions measured in pounds of SO_2. For each unit, heat input for each boiler-operating-day shall be determined by adding together all hourly heat inputs, in millions of BTU. Each boiler-operating-day of the thirty-day rolling average for a unit shall be determined by adding together the pounds of SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the heat input during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/MMBtu emissions of SO_2. If a valid SO_2 pounds per hour or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the applicable 30 boiler-operating-days rolling average. For each day, records of the total SO_2 emitted that day by each emission unit and the sum of the hourly heat inputs for that day must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for each unit as described in this paragraph (c)(24)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO_2 on the units listed in paragraph (c)(22) in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of 40 CFR part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. Compliance with the emission limits for SO_2 shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the units listed in paragraph (c)(22) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

* * * * *

[FR Doc. 2018–02145 Filed 2–9–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0564; FRL–9973–56–Region 9]

Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve and conditionally approve revisions to the Mojave Desert Air Quality Management District (MDAQMD or ''District'') portion of the California State Implementation Plan (SIP). These revisions concern the District's demonstration regarding Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone and the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS or ''standard'') in the portion of the Western Mojave Desert ozone nonattainment area under the jurisdiction of the MDAQMD. The EPA is also taking final action to approve MDAQMD negative declarations into the SIP for the 2008 ozone standard. We are approving and conditionally approving local SIP revisions under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on March 14, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–EPA–R09–OAR–2017–0564. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 942–3848, *levin.nancy@epa.gov.*

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

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I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
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I. Proposed Action

On November 17, 2017 (82 FR 54309), the EPA proposed to approve the following documents into the California SIP.

TABLE 1—SUBMITTED DOCUMENTS

Local agency	Document	Adopted	Submitted
MDAQMD	MDAQMD 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis) ''2006 RACT SIP''.	9/25/06	7/11/2007
MDAQMD	MDAQMD 2015 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (2015 RACT SIP Analysis) ''2015 RACT SIP''.	2/23/15	9/9/2015
MDAQMD	MDAQMD Federal Negative Declarations for Nineteen Control Techniques Guidelines Source Categories ''Negative Declarations for 19 CTGs''.	2/23/15	9/9/2015

Specifically, the EPA proposed to partially conditionally approve MDAQMD's 2006 and 2015 RACT SIPs with respect to Rule 461, *Gasoline Transfer and Dispensing;* Rule 462, *Organic Liquid Loading;* Rule 463, *Storage of Organic Liquids;* Rule 1104, *Organic Solvent Degreasing;* Rule 1114, *Wood Products Coating Operations;* Rule 1115, *Metal Parts and Product Coating Operations;* Rule 1157, *Boilers and Process Heaters;* Rule 1160, *Internal Combustion Engines;* Rule 1161, *Portland Cement Kilns;* and Rule 1162, *Polyester Resin Operations.* Simultaneously, the EPA proposed to partially approve the remainder of MDAQMD's 2006 and 2015 RACT SIPs, and to fully approve MDAQMD's negative declarations, submitted on September 9, 2015.[1]

We proposed to approve and conditionally approve these submittals because we determined that they mostly complied with the relevant CAA requirements, and where deficiencies were identified, the District issued a commitment to address these deficiencies pursuant to 42 U.S.C. 7410(k)(4). Our proposed action contains more information on the submittals and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received four anonymous comments. Commenters generally raised issues that are outside of the scope of this rulemaking, including forest management, wildfire suppression, greenhouse-gas and other non-ozone-precursor emissions from wildfires, and the Cross-State Air Pollution Rule. While some commenters suggested that ozone precursor emissions from wildfires should be regulated, wildfires do not fall within a category for which a RACT submission is required under section 182(b)(2) of the Act, and thus fall outside the scope of the present rulemaking. The EPA is required to approve a state submittal if the submittal meets all applicable requirements. 42 U.S.C. 7410(k)(3). Commenters did not raise any specific issues germane to the approvability of the MDAQMD RACT SIPs and negative declarations.

III. EPA Action

No comments were submitted that change our assessment of the SIP submittals as described in our proposed action. Therefore, as authorized in section 110(k)(3) and (4) of the Act, the EPA is conditionally approving MDAQMD's 2006 and 2015 RACT SIPs with respect to Rule 461, *Gasoline Transfer and Dispensing;* Rule 462, *Organic Liquid Loading;* Rule 463, *Storage of Organic Liquids;* Rule 1104, *Organic Solvent Degreasing;* Rule 1114, *Wood Products Coating Operations;* Rule 1115, *Metal Parts and Product Coating Operations;* Rule 1157, *Boilers and Process Heaters;* Rule 1160, *Internal Combustion Engines;* Rule 1161, *Portland Cement Kilns;* and Rule 1162, *Polyester Resin Operations,* and fully approving the remainder of MDAQMD's 2006 and 2015 RACT SIPs. The EPA is also fully approving MDAQMD's

[1] The EPA noted in its proposal that it was proposing approval of MDAQMD Rule 1106, *Marine and Pleasure Craft Coating Operations,* in parallel with the RACT SIP proposal. The EPA is finalizing its approval of Rule 1106 in a separate notice in today's **Federal Register**.

negative declarations, submitted on September 9, 2015.

IV. Statutory and Executive Order Reviews

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).

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

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

List of Subjects in 40 CFR Part 52

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

Dated: January 24, 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

■ a. Revising the heading for paragraph (c)(382)(ii); and

■ b. Adding paragraphs (c)(382)(ii)(E) and (c)(499).

The revision and addtions read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(382) * * *

(ii) *Additional materials.*

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(E) Mojave Desert Air Quality Management District.

(*1*) 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis), August 2006, adopted on January 22, 2007.

* * * * *

(499) The following plan was submitted on September 9, 2015 by the Governor's designee.

(i) [Reserved]

(ii) Additional materials.

(A) Mojave Desert Air Quality Management District.

(*1*) 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis), February 2015, adopted on February 23, 2015.

(*2*) Mojave Desert Air Quality Management District Federal Negative Declaration (8 hr Ozone Standard) for Nineteen CTG Categories, signed January 13, 2015 and adopted on February 23, 2015.

* * * * *

■ 3. Section 52.222 is amended by adding paragraph (a)(1)(vii) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(1) * * *

(vii) The following negative declarations for the 2008 ozone NAAQS were adopted by the District on February 23, 2015 and submitted to EPA on September 9, 2015.

CTG source category	CTG reference document
Large Petroleum Dry Cleaners	EPA 450/3–82–009, 9/82 Control of VOC Emissions from Large Petroleum Dry Cleaners.
Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.	EPA–450/3–83–008, 11/83 Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
Manufacture of Pneumatic Rubber Tires	EPA–450/2–78–030, 12/78 Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.
Surface Coating of Cans	EPA–450/2–77–008, 5/77 Control of Volatile Organic Emissions from Existing Stationary Sources—Vol. II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Surface Coating of Coils	EPA–450/2–77–008, 5/77 Control of Volatile Organic Emissions from Existing Stationary Sources—Vol. II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Surface Coating Operations at Automotive and Light Duty Truck Assembly Plants.	EPA 453/R–08–006, 09/08 Control Technique Guidelines for Automobile and Light-Duty Truck Assembly Coatings.
	EPA–450/2–77–008, 5/77 Control of Volatile Organic Emissions from Existing Stationary Sources—Vol. II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Large Appliances, Surface Coatings	EPA–450/2–77–034, 12/77 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances.
	EPA 453/R–07–004, 09/07 Control Techniques Guidelines for Large Appliance Coatings.
Surface Coating of Magnet Wire	EPA–450/2–77–033, 12/77 Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating of Insulation of Magnet Wire.
Vacuum Producing Devices or Systems	EPA–450/2–77–025, 10/77 Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
Leaks from Petroleum Refinery Equipment	EPA–450/2–77–025, 10/77 Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
Process Unit Turnarounds	EPA–450/2–77–025, 10/77 Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
Equipment Leaks from Natural Gas/Gasoline Processing Plants.	EPA–450/3–83–007,12/83 Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants.
Manufacture of Synthesized Pharmaceutical Products.	EPA–450/2–78–029, 12/78 Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.
Air Oxidation Processes (SOCMI)	EPA–450/3–84–015, 12/84 Control of Volatile Organic Compound Emissions from Air Oxidation Process in Synthetic Organic Chemical Manufacturing Industry (SOCMI).
Reactor and Distillation Processes (SOCMI)	EPA–450/4–91–031, 08/93 Control of Volatile Organic Compound Emissions from Reactor Process and Distillation Operations in SOCMI.
Equipment used in Synthetic Organic Chemical Polymers and Resin Manufacturing.	EPA–450/3–83–006, 03/84 Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Leaks from Petroleum Refinery Equipment	EPA–450/2–78–036, 06/78 Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment.
Metal Furniture Coating	EPA–450/2–77–032, 12/77 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture.
	EPA 453/R–07–005, 09/07 Control Techniques Guidelines for Metal Furniture Coatings.
Flat Wood Paneling	EPA–450/2–78–032, 06/78 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling.
	EPA–453/R–06–004, 09/06 Control Techniques Guidelines for Flat Wood Paneling Coatings.

* * * * *

■ 4. Section 52.248 is amended by adding paragraph (d) to read as follows:

§ 52.248 Identification of plan—conditional approval.

* * * * *

(d) The EPA is conditionally approving portions of the California SIP revisions submitted on July 11, 2007 and September 9, 2015, demonstrating control measures in the Mojave Desert portion of the Los Angeles-San Bernardino Counties (West Mojave Desert) nonattainment area implement RACT for the 1997 and 2008 ozone standards. The conditional approval is based on a commitment from the state to submit new or revised rules that will correct deficiencies in the following rules for the Mojave Desert Air Quality Management District: (i) Rule 461, *Gasoline Transfer and Dispensing;* (ii) Rule 462, *Organic Liquid Loading;* (iii) Rule 463, *Storage of Organic Liquids;* (iv) Rule 1104, *Organic Solvent Degreasing;* (v) Rule 1114, *Wood Products Coating Operations;* (vi) Rule 1115, *Metal Parts and Product Coating Operations;* (vii) Rule 1157, *Boilers and Process Heaters;* (viii) Rule 1160, *Internal Combustion Engines;* (ix) Rule 1161, *Portland Cement Kilns;* and (x) Rule 1162, *Polyester Resin Operations.* If the State fails to meet its commitment by January 31, 2019, the conditional approval is treated as a disapproval.

[FR Doc. 2018–02671 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0204; FRL–9974–11–Region 9]

Air Quality State Implementation Plans; Approvals and Promulgations: California; South Coast Moderate Area Plan for the 2006 $PM_{2.5}$ Standards; Correction of Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Reasonably Available Control Measures/Reasonably Available Control Technology (RACM/RACT) and Reasonable Further Progress (RFP) elements of California's Moderate area

plan for the 2006 24-hour fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS or ''standards'') in the Los Angeles—South Coast nonattainment area. The EPA is also finalizing a determination that the State has corrected the deficiency that formed the basis for the EPA's prior partial disapproval of the Moderate area plan submitted for these NAAQS with respect to the RACM/RACT and RFP elements. Today's action terminates the sanctions clocks triggered by the partial disapproval of the Moderate area plan.

DATES: This rule is effective on March 14, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2015–0204. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed on the website, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, EPA Region IX, (415) 947–4192, *tax.wienke@epa.gov.*

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

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I. Summary of Proposed Action

On October 10, 2017 (82 FR 46951) we proposed to determine that certain amendments to the South Coast Air Quality Management District's (SCAQMD or ''District'') Regional Clean Air Incentives Program (RECLAIM) submitted by California corrected the deficiency in the RACM/RACT and RFP elements of the Moderate area plan for the 2006 $PM_{2.5}$ NAAQS in the Los Angeles—South Coast nonattainment area (''2012 $PM_{2.5}$ Plan'' or ''plan'') that was the basis for the EPA's prior partial disapproval of this plan. On this basis, we proposed to approve the RACM/RACT and RFP elements of the 2012 $PM_{2.5}$ Plan, as revised. The 2012 $PM_{2.5}$ Plan contained the State's and District's demonstration that attainment of the 2006 $PM_{2.5}$ NAAQS in the South Coast area by the December 31, 2015 Moderate area attainment date was impracticable.

Simultaneously, we published an interim final determination to defer sanctions based on our proposed finding that the SCAQMD's amendments to RECLAIM corrected the deficiency in the RACM/RACT and RFP elements of the 2012 $PM_{2.5}$ Plan that formed the basis for our prior partial disapproval of this plan (82 FR 46917).

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period, which ended on November 9, 2017. During this period, we received one comment letter from Earthjustice on behalf of the Sierra Club and several anonymous comments. We summarize these comments and provide our responses below.

Comment #1: Earthjustice claims that a cap-and-trade program such as RECLAIM cannot provide the basis for compliance with the Clean Air Act (CAA or ''Act'') section 182 RACT requirement or the RACM requirement, based on the plain language of the CAA that, according to Earthjustice, requires all major sources to implement RACT. In support of this contention, Earthjustice highlights the word ''all'' in CAA section 182(b)(2) in connection with implementation of RACT at major sources and claims that the legislative history for the CAA Amendments of 1990 makes clear that the RACT requirement applies to all major sources of NO_X in an ozone nonattainment area. Earthjustice also cites, without explanation, the RACM requirement for Moderate $PM_{2.5}$ nonattainment areas in CAA section 189(a)(1)(C) and the Best Available Control Measures (BACM) requirement for Serious $PM_{2.5}$ nonattainment areas in 40 CFR 51.1010.

Earthjustice asserts that the EPA's longstanding definition of RACT supports an interpretation of the RACT requirement as applicable to each and every major NO_X source, not a collective emission limitation for an entire class of sources located across a nonattainment area or an entire state or region. Earthjustice claims that reliance on an emissions trading program to meet the RACT requirement for major NO_X sources is tantamount to creating a NO_X exemption that is inconsistent with the explicit NO_X exemptions found at CAA section 182(f). Lastly, Earthjustice cites an EPA proposed rule dated November 3, 2016 to support its claim that emissions averaging in the South Coast does not actually provide RACT-level reductions.

Response #1: Earthjustice submitted substantively identical comments on a separate proposed rule published June 15, 2017, in which the EPA proposed to determine that the revised RECLAIM regulations satisfy CAA RACT requirements for purposes of the ozone NAAQS in the South Coast ozone nonattainment area (82 FR 27451).[1] We responded to these comments in our September 20, 2017 final rule approving California's RACT state implementation plan (SIP) submission for the South Coast area (82 FR 43850) and incorporate that response here (*see* 82 FR at 43853–54). Because Earthjustice has not explained how its comments pertain to the specific RACM requirement in CAA section 189(a)(1)(C) or the BACM requirement in 40 CFR 51.1010 for purposes of the $PM_{2.5}$ NAAQS, we provide no further response on this issue.

Comment #2: Earthjustice contends that approval of California's RACT determination would be arbitrary and capricious because the RECLAIM rules, as amended in 2015, do not achieve aggregate emissions reductions of NO_X equivalent to those that would be achieved through implementation of RACT level control at each major NO_X source in the South Coast. Earthjustice claims that the record here shows that the additional 12 ton per day (tpd) reduction adopted by the SCAQMD as part of the 2015 RECLAIM amendments does not result in RACT/RACM level controls for NO_X RECLAIM facilities.

Response #2: Earthjustice submitted substantively identical comments on a separate proposed rule published June 15, 2017, in which the EPA proposed to determine that the revised RECLAIM regulations satisfy CAA RACT requirements for purposes of the ozone NAAQS in the South Coast ozone nonattainment area (82 FR 27451). We responded to these comments in our September 20, 2017 final rule approving California's RACT SIP submission for the ozone NAAQS for the South Coast area (82 FR 43850) and incorporate that response here (*see* 82 FR at 43854–55).

Comment #3: Earthjustice asserts that the EPA's approval of the RACM/RACT and RFP elements of the 2012 $PM_{2.5}$ Plan would interfere with attainment of the $PM_{2.5}$ NAAQS by 2019. Earthjustice claims that the EPA failed to address how an additional 12 tpd reduction in

[1] Earthjustice's prior comments on this issue are identical to its comments here, except that its latest comments include two unexplained references to ''RACM'' and unexplained citations to the control requirements for $PM_{2.5}$ nonattainment areas in CAA section 189(a)(1)(C) and 40 CFR 51.1010.

the NO_X RECLAIM emissions cap on a ''back-loaded'' schedule complies with the District's determination that the reductions are necessary for $PM_{2.5}$ attainment by 2019 or as expeditiously as practicable. It also claims that the record shows that failure to apply the front-loaded emission reduction schedule developed by SCAQMD staff will interfere with expeditious attainment of the 2006 $PM_{2.5}$ NAAQS. Earthjustice also references a program environmental assessment (PEA) completed pursuant to California state law, which listed as a project objective the need to bring the NO_X RECLAIM program up to date with best available retrofit control technology (BARCT) requirements for existing sources under California law, and asserts that the final PEA identified a need to implement additional control measures to attain both the $PM_{2.5}$ and ozone NAAQS in the South Coast air basin.

Response #3: These comments are not germane to this action. Earthjustice suggests that SCAQMD should require reductions from RECLAIM sources on a faster schedule for purposes of attaining the 2006 $PM_{2.5}$ NAAQS by the applicable attainment date for a Serious nonattainment area, *i.e.,* in this case an area that must attain the 2006 $PM_{2.5}$ NAAQS as expeditiously as practicable but no later than the end of 2019. In this action, however, we are not assessing whether the revised RECLAIM program meets Serious area nonattainment plan requirements such as the BACM/BACT control requirement or, as relevant here, assessing whether the schedule for those reductions is consistent with the requirement to attain the 2006 $PM_{2.5}$ NAAQS as expeditiously as practicable but no later than 2019. This action addresses only a deficiency that the EPA previously identified in the Moderate area plan for the South Coast area.

The 2012 $PM_{2.5}$ Plan contained a demonstration under CAA section 189(a)(1)(B)(ii) that attainment of the 2006 $PM_{2.5}$ standards in the South Coast area by the Moderate area attainment date of December 31, 2015, was impracticable.[2] We partially approved and partially disapproved the 2012 $PM_{2.5}$ Plan based on a deficiency in its RACM/RACT and RFP elements, both of which relied on the RECLAIM program as amended in 2010.[3] Following the State's submission of RECLAIM rule amendments adopted in 2015 and a demonstration that the amended program satisfies NO_X RACT requirements for covered sources,[4] we proposed to determine that the State had corrected the deficiency in the RACM/RACT and RFP elements of the 2012 $PM_{2.5}$ Plan and to approve these elements of the Plan, as revised (82 FR 46951, October 10, 2017). These SIP revisions corrected a deficiency in an impracticability demonstration, which did not purport to show attainment by 2019. Comments pertaining to the level of control necessary for the South Coast area to attain the $PM_{2.5}$ NAAQS as expeditiously as practicable and no later than the applicable statutory attainment date should be raised in the context of EPA's evaluation of a demonstration of attainment under CAA section 189(a)(1)(B)(i) or section 189(b)(1)(A)(i), not in the context of a demonstration that attainment by the outermost Moderate area attainment date is impracticable under CAA section 189(a)(1)(B)(ii).

Our reclassification of the South Coast area from Moderate to Serious for the 2006 $PM_{2.5}$ NAAQS in October 2015 triggered a requirement for California to submit a Serious area plan that provides for attainment of the 2006 $PM_{2.5}$ NAAQS in the South Coast as expeditiously as practicable but no later than December 31, 2019, in accordance with the requirements of part D of title I of the Act.[5] The California Air Resources Board submitted a Serious area plan for the 2006 $PM_{2.5}$ NAAQS in the South Coast on April 27, 2017.[6] We will evaluate the adequacy of the State's and District's control strategy for purposes of timely attainment when we act on this plan submission.

Comment #4: Earthjustice objects to the District's general approach to distinguishing between BARCT and RACT-level control and argues that the District has used an artificially narrow articulation of RACT to evaluate only controls required under adopted regulations, instead of considering technologies that have been applied in practice.

Response #4: Earthjustice submitted identical comments on a separate proposed rule published June 15, 2017, in which the EPA proposed to determine that the revised RECLAIM regulations satisfy CAA RACT requirements for purposes of the ozone NAAQS in the South Coast ozone nonattainment area (82 FR 27451). We responded to these comments in our September 20, 2017 final rule approving California's ozone RACT SIP for the South Coast area (82 FR 43850) and incorporate that response here (*see* 82 FR at 43855–56).

Comment #5: Earthjustice asserts that the revised RECLAIM program does not properly address RECLAIM trading credits from facilities that shut down prior to 2016 and argues that the availability of such credits has allowed major sources, particularly refineries, to avoid installation of selective catalytic reduction and other readily available NO_X pollution controls. Earthjustice identifies California Portland Cement as a retired facility whose credits have significantly contributed to this problem.

Response #5: Earthjustice submitted substantively identical comments on a separate proposed rule published June 6, 2017, in which the EPA proposed to approve the amended RECLAIM rules into the SIP (82 FR 25996), and a proposed rule published June 15, 2017, in which the EPA proposed to determine that the amended RECLAIM rules satisfy CAA RACT requirements for purposes of the ozone NAAQS in the South Coast ozone nonattainment area (82 FR 27451). We responded to these comments in both our September 14, 2017 final rule approving the amended RECLAIM rules (82 FR 43176) and our September 20, 2017 final rule approving California's ozone RACT SIP for the South Coast area (82 FR 43850) and incorporate those responses here (*see* 82 FR at 43178 and 82 FR at 43855).

Comment #6: Citing CAA section 110(a)(2)(E), Earthjustice asserts that the EPA can approve a SIP revision only if it determines that the provision is not inconsistent with state law and argues that ''the current proposal violates California law because it is not equivalent to BARCT'' and does not achieve command-and-control equivalence as mandated by California's Health and Safety Code. Earthjustice claims that the EPA therefore cannot make the determination required in section 110 of the Act that the approval not interfere with compliance with state law.

Response #6: Earthjustice submitted substantively identical comments on a separate proposed rule published June 6, 2017, in which the EPA proposed to approve the amended RECLAIM rules into the SIP (82 FR 25996), and a

[2] *See* 81 FR 22025, 22026 (April 14, 2016).

[3] *Id.* at 22027.

[4] On September 14, 2017, we approved the amended RECLAIM rules into the SIP (82 FR 43176) and on September 20, 2017, we approved the SCAQMD's ozone RACT SIP demonstration for the 2008 ozone NAAQS based, in part, on a determination that major NO_X sources covered by the amended RECLAIM program are now subject to RACT-level controls (82 FR 43850, 43856).

[5] 81 FR 22025, 22026 (April 14, 2016) (citing October 20, 2015 reclassification action at 80 FR 63640, 63660).

[6] *See* letter dated April 27, 2017 from Richard W. Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region IX (transmitting Serious area plan for 2006 $PM_{2.5}$ NAAQS to the EPA).

proposed rule published June 15, 2017, in which the EPA proposed to determine that the amended RECLAIM rules satisfy CAA RACT requirements for purposes of the ozone NAAQS in the South Coast ozone nonattainment area (82 FR 27451). We responded to these comments in both our September 14, 2017 final rule approving the amended RECLAIM rules (82 FR 43176) and our September 20, 2017 final rule approving California's ozone RACT SIP for the South Coast area (82 FR 43850) and incorporate those responses here (*see* 82 FR at 43178–79 and 82 FR at 43856).

Comment #7: Earthjustice claims that the EPA cannot approve the District's RACM determination because the District failed to comply with state notice requirements in adopting the 2015 NO_X RECLAIM program amendments. Earthjustice cites a recent decision of the California Superior Court for Los Angeles County (''state court'') remanding the December 2015 NO_X RECLAIM program amendments on the basis that the District failed to comply with California Health and Safety Code procedural requirements in adopting the amendments. Earthjustice asserts that ''[b]ecause a California court has found the [SCAQMD] violated state law in adopting the RECLAIM amendments, it would be arbitrary and capricious for EPA to approve this determination because it violates the Clean Air Act provisions in 42 U.S.C. [section] 7410.''

Response #7: We disagree with the commenter's claim that the referenced state court decision precludes EPA approval of the RACM/RACT and RFP elements of the 2012 $PM_{2.5}$ Plan. By order dated November 6, 2017, the California Superior Court for the County of Los Angeles remanded the SCAQMD Board's December 4, 2015 amendments to the RECLAIM program based on the court's finding that the District violated state procedural requirements in adopting the amendments.[7] The court did not, however, vacate the amendments to the program or find any substantive flaw in the amended program.[8] On November 16, 2017, counsel for the SCAQMD confirmed that the RECLAIM program, as amended December 4, 2015, remains in effect and that the District plans to implement the amended program while considering its options for how to respond to the remand.[9] By email dated January 10, 2018, counsel for the SCAQMD informed the EPA that the SCAQMD Governing Board had authorized the District to file an appeal of the state court decision and that this action would not affect the ongoing implementation of the December 2015 RECLAIM amendments.[10] If this appeal is denied (or is otherwise unsuccessful) and the District either adopts further revisions to the RECLAIM program or determines that the amended program is deficient in some respect, we will reconsider today's action or take appropriate remedial action to ensure that the RACM/RACT and RFP elements of the 2012 $PM_{2.5}$ Plan satisfy CAA requirements.

We note that we approved the amended RECLAIM rules into the SIP in a previous rulemaking action (82 FR 43176, September 14, 2017) in which we determined, *inter alia,* that the SIP submission containing the amended rules satisfied the applicable CAA requirements for SIP revisions, including the procedural requirements in CAA section 110(a) and 40 CFR part 51, Appendix V.[11] To the extent the commenter intended to argue that a procedural flaw in the District's adoption of the amended RECLAIM rules precludes the EPA's approval of those rules into the SIP under CAA section 110, such arguments should have been raised in comments on this prior rulemaking.

Other comments: We received several anonymous comments stating, *inter alia,* that emissions of greenhouse gases (GHGs) and other pollutants from California wildfires contribute to climate change and regional and global air pollution including smog, particulate matter, and toxics; that California should pay a carbon tax on GHG emissions from wildfires; that oil and gas regulations should be rescinded; and that the CAA must be enforced to preserve air quality and quality of life.

Response: These comments fail to identify any specific issue that is germane to our action on the 2012 $PM_{2.5}$ Plan.

III. Final Action

The EPA is finalizing approval of the following elements of the 2012 $PM_{2.5}$ Plan under CAA section 110(k)(3):

- The RACM/RACT element as meeting the requirements of CAA sections 172(c)(1) and 189(a)(1)(C); and
- the RFP element as meeting the requirements of CAA section 172(c)(2).

As a result of this approval, the offset sanction in CAA section 179(b)(2), which would have applied in the South Coast $PM_{2.5}$ nonattainment area 18 months after the effective date of our partial disapproval of the 2012 $PM_{2.5}$ Plan dated April 14, 2016, and the highway funding sanction in CAA section 179(b)(1), which would have applied in the area six months after the offset sanction is imposed, are permanently terminated. Additionally, this approval action removes the obligation on the EPA to promulgate a federal implementation plan because California has corrected the deficiencies and the EPA has approved the related plan revisions.

IV. Statutory and Executive Order Reviews

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, 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

[7] *Order Granting the Petition for a Writ of Mandate in Part,* Superior Court for the State of California, County of Los Angeles, *Communities for a Better Environment et al.* v. *South Coast Air Quality Management District,* Case No. BS 161399 (November 6, 2017) (finding that SCAQMD violated section 40726 of the California Health & Safety Code by adopting the 2015 RECLAIM amendments without providing additional public hearing or opportunity for comment).

[8] *Id.*

[9] Memorandum dated November 16, 2017, from Jeanhee Hong, EPA Region IX, Office of Regional Counsel and Wienke Tax, EPA Region IX, Air Division Planning Office, to Rulemaking docket EPA–R09–OAR–2015–0204, RE: ''State court order concerning 2015 RECLAIM amendments.''

[10] Email dated January 10, 2018, from William Wong, Principal Deputy District Counsel, SCAQMD, to Wienke Tax, EPA Region IX, RE: ''Jeanhee Hong and Wienke Tax email information.''

[11] See 82 FR 25996, 25997 (June 6, 2017) (proposed rule) and 82 FR 43176 (September 14, 2017) (final rule). The EPA's regulations in 40 CFR part 51, Appendix V require, *inter alia,* that each SIP submission include evidence that the State followed all of the procedural requirements of the State's laws and constitution in adopting the plan. 40 CFR part 51, Appendix V, section 2.1(e). The statutory deadline for filing a petition for judicial review of this action was November 13, 2017 (see 82 FR 43176, 43179).

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 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).

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: January 24, 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

§ 52.220 Identification of plan—in part.

■ 2. Section 52.220 is amended by adding paragraph (c)(439)(ii)(B)(*6*) to read as follows:

* * * * *

(c) * * *

(439) * * *

(ii) * * *

(B) * * *

(*6*) The $PM_{2.5}$-related portions of Appendix VI (''Reasonably Available Control Measures (RACM) Demonstration'') of the Final 2012 Air Quality Management Plan (December 2012).

* * * * *

§ 52.237 [Amended]

■ 3. Section 52.237 is amended by removing and reserving paragraph (a)(7).

[FR Doc. 2018–02677 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0189; FRL–9973–30–Region 6]

Approval and Promulgation of Implementation Plans; Arkansas; Approval of Regional Haze State Implementation Plan Revision for NO_X for Electric Generating Units in Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is finalizing an approval of a revision to the Arkansas State Implementation Plan (SIP) submitted by the State of Arkansas through the Arkansas Department of Environmental Quality (ADEQ) that addresses regional haze for the first planning period. ADEQ submitted this revision to address certain requirements of the Clean Air Act (CAA) and the EPA's regional haze rules for the protection of visibility. The EPA is taking final action to approve the State's SIP revision, which addresses nitrogen oxide (NO_X) best available retrofit technology (BART) requirements for the Arkansas Electric Cooperative Corporation (AECC) Bailey Plant Unit 1; AECC McClellan Plant Unit 1; the American Electric Power/Southwestern Electric Power Company (AEP/SWEPCO) Flint Creek Plant Boiler No. 1; Entergy Arkansas, Inc. (Entergy) Lake Catherine Plant Unit 4; Entergy White Bluff Plant Units 1 and 2 and the Auxiliary Boiler. The SIP revision also addresses reasonable progress requirements for NO_X for the Entergy Independence Plant Units 1 and 2. In conjunction with this final approval, we are finalizing in a separate rulemaking, which is also being published in this **Federal Register**, our withdrawal of federal implementation plan (FIP) emission limits for NO_X that would otherwise apply to these nine units.

DATES: This rule is effective on March 14, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R06–OAR–2015–0189. All documents in the dockets are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

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SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

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I. Background

A. The Regional Haze Program

Regional haze is visibility impairment that is produced by a multitude of sources and activities that are located across a broad geographic area and emit fine particulates ($PM_{2.5}$) (*e.g.,* sulfates, nitrates, organic carbon (OC), elemental carbon (EC), and soil dust), and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and in some cases, ammonia (NH_3) and volatile organic compounds (VOCs)). Fine particle precursors react in the atmosphere to form $PM_{2.5}$, which impairs visibility by scattering and absorbing light. Visibility impairment reduces the clarity, color, and visible distance that can be seen. $PM_{2.5}$ can also cause serious adverse health effects and mortality in humans; it also contributes to environmental effects such as acid deposition and eutrophication.

Data from the existing visibility monitoring network, ''Interagency Monitoring of Protected Visual Environments'' (IMPROVE), shows that visibility impairment caused by air pollution occurs virtually all of the time at most national parks and wilderness areas. In 1999, the average visual range [1] in many Class I areas (*i.e.,* national parks and memorial parks, wilderness areas, and international parks meeting certain size criteria) in the western United States was 100–150 kilometers, or about one-half to two-thirds of the visual range that would exist under estimated natural conditions.[2] In most of the eastern Class I areas of the United States, the average visual range was less than 30 kilometers, or about one-fifth of the visual range that would exist under estimated natural conditions. CAA programs have reduced emissions of some haze-causing pollution, lessening some visibility impairment and resulting in partially improved average visual ranges.[3]

CAA requirements to address the problem of visibility impairment continue to be implemented. In Section 169A of the 1977 Amendments to the CAA, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes as a national goal the prevention of any future, and the remedying of any existing, man-made impairment of visibility in 156 national parks and wilderness areas designated as mandatory Class I Federal areas.[4] Congress added section 169B to the CAA in 1990 to address regional haze issues, and the EPA promulgated regulations addressing regional haze in 1999. The Regional Haze Rule [5] revised the existing visibility regulations to add provisions addressing regional haze impairment and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in our visibility protection regulations at 40 CFR 51.300–51.309. The requirement to submit a regional haze SIP applies to all 50 states, the District of Columbia, and the Virgin Islands. States were required to submit the first implementation plan addressing regional haze visibility impairment no later than December 17, 2007.[6]

Section 169A of the CAA directs states to evaluate the use of retrofit controls at certain larger, often under-controlled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress toward the natural visibility goal, including a requirement that certain categories of existing major stationary sources [7] built between 1962 and 1977 procure, install and operate BART controls. Larger ''fossil-fuel fired steam electric plants'' are one of these source categories. Under the Regional Haze Rule, states are directed to conduct BART determinations for ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. The evaluation of BART for electric generating units (EGUs) that are located at fossil-fuel fired power plants having a generating capacity in excess of 750 megawatts must follow the ''Guidelines for BART Determinations Under the Regional Haze Rule'' at appendix Y to 40 CFR part 51 (hereinafter referred to as the ''BART Guidelines''). Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides for greater progress towards improving visibility than BART.

B. Our Previous Actions

Arkansas submitted a SIP revision on September 9, 2008, to address the requirements of the first regional haze implementation period. On August 3, 2010, Arkansas submitted a SIP revision with non-substantive revisions to the Arkansas Pollution Control and Ecology Commission (APCEC) Regulation 19, Chapter 15; this Chapter identified the BART-eligible and subject-to-BART sources in Arkansas and established BART emission limits for subject-to-BART sources. On September 27, 2011, the State submitted supplemental information to address the regional haze

[1] Visual range is the greatest distance, in kilometers or miles, at which a dark object can be viewed against the sky.

[2] 64 FR 35715 (July 1, 1999).

[3] An interactive ''story map'' depicting efforts and recent progress by EPA and states to improve visibility at national parks and wilderness areas may be visited at: *http://arcg.is/29tAbS3.*

[4] Areas designated as mandatory Class I Federal areas consist of National Parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' 42 U.S.C. 7602(i). When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

[5] Here and elsewhere in this document, the term ''Regional Haze Rule,'' refers to the 1999 final rule (64 FR 35714), as amended in 2005 (70 FR 39156, July 6, 2005), 2006 (71 FR 60631, October 13, 2006), 2012 (77 FR 33656, June 7, 2012), and January 10, 2017 (82 FR 3078).

[6] See 40 CFR 51.308(b). EPA's regional haze regulations require subsequent updates to the regional haze SIPs. 40 CFR 51.308(g)–(i).

[7] See 42 U.S.C. 7491(g)(7) (listing the set of ''major stationary sources'' potentially subject-to-BART).

requirements. We are hereafter referring to these regional haze submittals collectively as the ''2008 Arkansas Regional Haze SIP.'' On March 12, 2012, we partially approved and partially disapproved the 2008 Arkansas Regional Haze SIP.[8] On September 27, 2016, we published a FIP addressing the disapproved portions of the 2008 Arkansas Regional Haze SIP (the Arkansas Regional Haze FIP).[9] Among other things, the FIP established NO_X emission limits under the BART requirements for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; and White Bluff Units 1 and 2 and the Auxiliary Boiler. The FIP also established NO_X emission limits under the reasonable progress requirements for Independence Units 1 and 2.

Following the issuance of the Arkansas Regional Haze FIP, the State of Arkansas and several industry parties filed petitions for reconsideration and an administrative stay of the final rule.[10] We announced in April 2017 our decision to convene a proceeding to reconsider several elements of the FIP, including the appropriate compliance dates for the NO_X emission limits for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2.[11] EPA also published a document in the **Federal Register** on April 25, 2017, administratively staying the effectiveness of the 18-month NO_X compliance dates in the FIP for these units for a period of 90 days.[12] On July 13, 2017, the EPA published a proposed rule to extend the NO_X compliance dates for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2, by 21 months to January 27, 2020.[13] [14]

On July 12, 2017, Arkansas submitted a proposed SIP revision with a request for parallel processing, addressing the NO_X requirements for Bailey Unit 1, McClellan Unit 1, Flint Creek Boiler No. 1, Lake Catherine Unit 4, White Bluff Units 1 and 2 and the Auxiliary Boiler, and Independence Units 1 and 2 (Arkansas Regional Haze NO_X SIP revision or Arkansas NO_X SIP revision). In our March 12, 2012 final action on the 2008 Arkansas Regional Haze SIP, we disapproved the State's source-specific NO_X BART determinations for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and its auxiliary boiler.[15] In that same action, we also made the determination that the State did not satisfy the statutory and regulatory requirements for the reasonable progress analysis. We promulgated a FIP on September 27, 2016, that established source-specific NO_X BART emission limits for these seven EGUs and NO_X emission limits under reasonable progress for Independence Units 1 and 2 to address the disapproved portions of the 2008 Arkansas Regional Haze SIP submittal.

Arkansas' proposed July 2017 Regional Haze NO_X SIP revision addressed the NO_X BART requirements for Arkansas' EGUs by relying on participation in the Cross State Air Pollution Rule (CSAPR) ozone season NO_X trading program as an alternative to BART. The July 2017 Regional Haze NO_X SIP revision proposal also made the determination that no additional NO_X emission controls for Arkansas sources, beyond participation in CSAPR's ozone season NO_X trading program, are required for ensuring reasonable progress in Arkansas. As noted above, the July 2017 Regional Haze SIP revision addresses NO_X requirements for the same EGUs for which we established source-specific NO_X emission limits in our September 27, 2016 FIP. In a document published in the **Federal Register** on September 11, 2017, we proposed to approve the Arkansas Regional Haze NO_X SIP revision.[16] On October 31, 2017, we received ADEQ's final NO_X SIP revision addressing BART and reasonable progress requirements for NO_X for EGUs in Arkansas for the first implementation period. The final Arkansas Regional Haze NO_X SIP revision we received on October 31, 2017, did not contain significant changes from the state's proposed SIP revision. Therefore, it is appropriate for us to take final action, as proposed, on the final SIP revision.

C. CSAPR as an Alternative to Source-Specific NO_X BART

In 2005, the EPA published the Clean Air Interstate Rule (CAIR), which required 27 states and the District of Columbia to reduce emissions of SO_2 and NO_X from affected electric generating units (EGUs) that significantly contribute to or interfere with maintenance of the 1997 national ambient air quality standards (NAAQS) for fine particulates and/or 8-hour ozone in any downwind state.[17] EPA demonstrated that CAIR would achieve greater reasonable progress toward the national visibility goal than would BART; therefore, states could rely on CAIR as an alternative to BART for SO_2 and NO_X at EGUs.[18] Although Arkansas was subject to certain NO_X requirements of CAIR, including the state-wide ozone season NO_X budget but not the annual NO_X budget, and although this would have been sufficient for Arkansas to rely on CAIR to satisfy NO_X BART, it elected not to rely on CAIR in its 2008 Regional Haze SIP to satisfy the NO_X BART requirement for its EGUs.

On July 11, 2008, the D.C. Circuit found CAIR was fatally flawed and on December 23, 2008, the Court remanded CAIR to EPA without vacatur to ''preserve the environmental benefits provided by CAIR.'' [19] In 2011, acting on the D.C. Circuit's remand, we promulgated the Cross-State Air Pollution Rule (CSAPR) to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.[20] Arkansas EGUs are covered under CSAPR for ozone season NO_X.[21]

In 2012, we issued a limited disapproval of several states' regional haze SIPs because of reliance on CAIR as an alternative to EGU BART for SO_2 and/or NO_X.[22] We also determined that CSAPR would provide for greater reasonable progress than BART and amended the Regional Haze Rule to allow for CSAPR participation as an alternative to source-specific SO_2 and/or NO_X BART for EGUs, on a pollutant-specific basis.[23] As Arkansas did not

[8] 77 FR 14604.

[9] 81 FR 66332; *see also* 81 FR 68319 (October 4, 2016) (correction).

[10] See the docket associated with this proposed rulemaking for a copy of the petitions for reconsideration and administrative stay submitted by the State of Arkansas; Entergy Arkansas Inc., Entergy Mississippi Inc., and Entergy Power LLC (collectively ''Entergy''); AECC; and the Energy and Environmental Alliance of Arkansas (EEAA).

[11] Letter from E. Scott Pruitt, Administrator, EPA, to Nicholas Jacob Bronni and Jamie Leigh Ewing, Arkansas Attorney General's Office (April 14, 2017). A copy of this letter is included in the docket, *https://www.regulations.gov/document?D=EPA-R06-OAR-2015-0189-0240.*

[12] 82 FR 18994.

[13] 82 FR 32284.

[14] EPA has not taken final action on the July 13, 2017 proposed rule. This final action approving the Arkansas Regional Haze NO_X SIP revision together with the separate final action that EPA is taking to withdraw the source-specific NO_X emission limits for the nine EGUs in the Arkansas Regional Haze FIP, make it unnecessary to finalize our July 13, 2017 proposed rule to revise the NO_X compliance dates in the Arkansas Regional Haze FIP.

[15] 77 FR 14604.

[16] 82 FR 42627.

[17] 70 FR 25161 (May 12, 2005).

[18] 70 FR 39104, 39139 (July 6, 2005).

[19] *North Carolina* v. *EPA,* 531 F.3d 896, 901 (D.C. Cir. 2008), *modified,* 550 F.3d 1176, 1178 (D.C. Cir. 2008).

[20] 76 FR 48207 (August 8, 2011).

[21] 76 FR 82219 (December 30, 2011).

[22] The limited disapproval triggered the EPA's obligation to issue a FIP or approve a SIP revision to correct the relevant deficiencies within 2 years of the final limited disapproval action. CAA section 110(c)(1); 77 FR 33642, at 33654 (June 7, 2012).

[23] See 40 CFR 51.308(e)(4).

rely on CAIR to satisfy the NO_X BART requirements in the 2008 Regional Haze SIP, Arkansas was not included in the EPA's limited disapproval of regional haze SIPs that relied on CAIR to satisfy certain regional haze requirements.[24] As noted above, in the 2012 rulemaking in which we promulgated those limited disapprovals, the EPA also promulgated FIPs to replace reliance on CAIR with reliance on CSAPR in many of those regional haze SIPs; however, Arkansas was likewise not included in that FIP action.

CSAPR has been subject to extensive litigation, and on July 28, 2015, the DC Circuit issued a decision generally upholding CSAPR but remanding without vacating the CSAPR emissions budgets for a number of states.[25] On October 26, 2016, we finalized an update to CSAPR that addresses the 1997 ozone NAAQS portion of the remand as well as the CAA requirements addressing interstate transport for the 2008 ozone NAAQS.[26] Additionally, three states, Alabama, Georgia, and South Carolina, have adopted or committed to adopt SIPs to continue their participation in the CSAPR program, including adoption on a voluntary basis of state SO_2 emission budgets equal to those state's remanded SO_2 emission budgets. On November 10, 2016, we proposed a rule intended to address the remainder of the court's remand as it relates to Texas.[27] This separate proposed rule included an assessment of the impacts of the set of actions that the EPA had taken or expected to take in response to the D.C. Circuit's remand on our 2012 demonstration that participation in CSAPR provides for greater reasonable progress than BART. Based on that assessment, the EPA proposed that states may continue to rely on CSAPR as an alternative to BART on a pollutant-specific basis. On September 29, 2017, we finalized our proposed finding that the EPA's 2012 analytical demonstration remains valid and that participation in CSAPR, as it now exists, meets the Regional Haze Rule's criteria for an alternative to BART.[28] In the October 2017 Arkansas Regional Haze NO_X SIP revision, the state relies on CSAPR as an alternative to BART for control of NO_X from EGUs.

[24] *See* 77 FR 33642, at 33654.

[25] Arkansas' ozone season NO_X budgets were not included in the remand. *EME Homer City Generation* v. *EPA,* 795 F.3d 118, 138 (D.C. Cir. 2015).

[26] 81 FR74504 (October 26, 2016).

[27] 81 FR 78954 (November 10, 2016).

[28] 82 FR 45481 (September 29, 2017).

II. Summary of Final Action

This action finalizes our proposed approval of the Arkansas Regional Haze NO_X SIP revision, which relies on EPA's determination that CSAPR provides for greater reasonable progress than BART to address the NO_X BART requirements for Arkansas EGUs. Consistent with 40 CFR 51.308(e)(4), Arkansas makes the determination that since the Arkansas EGUs are currently subject to the CSAPR requirements for ozone-season NO_X, the State need not have source specific requirements for subject-to-BART EGUs to install, operate, and maintain BART for NO_X. We find that it is appropriate for Arkansas to rely on participation in the CSAPR ozone season NO_X trading program to satisfy the NO_X BART requirements for Arkansas EGUs. EPA's 2012 determination and our September 29, 2017 final rulemaking make the finding that the EPA's 2012 analytical demonstration remains valid and that participation in CSAPR, as it now exists, meets the Regional Haze Rule's criteria for an alternative to BART.[29] Arkansas' reliance on CSAPR addresses the NO_X BART requirements for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and the Auxiliary Boiler.

We also find that Arkansas reasonably determined that additional NO_X control measures are not needed to ensure reasonable progress for the first implementation period. Given the level of visibility impairment due to NO_X emissions from Arkansas point sources at the state's two Class I areas, Caney Creek and Upper Buffalo, on the 20% worst days, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas on the 20% worst days.[30] In light of this, and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, we are finalizing our determination that Arkansas' decision to screen out Arkansas point sources from further evaluation of additional NO_X controls is reasonable and we are finalizing our approval of Arkansas' determination that no additional NO_X controls, beyond Arkansas EGU participation in CSAPR for ozone season NO_X, are necessary to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period.

We are finalizing our approval of the Arkansas Regional Haze NO_X SIP revision as we have found it to meet the applicable provisions of the Act and EPA regulations and it is consistent with EPA guidance. We received comments from three commenters on our proposed approval. Our response to the substantive comments we received are summarized in Section III. We have fully considered all significant comments on our proposed action on the SIP revision submittal, and have concluded that no changes to our final determination are warranted.

We are approving the October 2017 Arkansas Regional Haze NO_X SIP revision submitted by ADEQ as we have determined that it meets the regional haze SIP requirements, including the reasonable progress requirements in § 51.308(d) and the BART requirements in § 51.308(e). In conjunction with this final approval, we are finalizing in a separate rulemaking, which is also being published in this **Federal Register**, our withdrawal of FIP emission limits for NO_X that would otherwise apply to the nine affected units.

III. Response to Comments

The public comments received on our proposed rule are included in the publicly posted docket associated with this action at *www.regulations.gov.* We reviewed all public comments that we received on the proposed action. Below, we provide a summary of certain comments and our responses. The comments and our responses thereto are contained in a separate document titled the Arkansas Regional Haze NO_X SIP Revision Response to Comments.

A. Reliance on CSAPR-Better-Than-BART Rule

Comment: ADEQ proposes to rely on ozone-season NO_X reductions under the updated CSAPR in lieu of the source-specific BART emission limits that EPA finalized as part of its 2016 regional

[29] 82 FR 45481 (September 29, 2017).

[30] Arkansas also recognized that sources in Arkansas impact the two Class I areas in Missouri: Hercules Glade Wilderness Area and Mingo Wilderness Area. Arkansas provided the Missouri Department of Natural Resources with an opportunity for consultation on the proposed Arkansas NO_X SIP revision, including an opportunity to discuss Missouri's assessment of the impact of the proposed SIP revision on reasonable progress at Missouri Class I areas. The Missouri Department of Natural Resources did not have comments on the proposed SIP revision and did not pursue consultation. Additionally, Arkansas looked at the most recent five-year rolling average of observed visibility impairment on the 20% haziest days for Missouri's Class I areas and concluded that the visibility progress observed at the IMPROVE monitors indicates that sources in Arkansas are not interfering with the achievement of Missouri's 2018 RPGs for Hercules Glades and Mingo. Taking these things into consideration, Arkansas made the determination that no additional NO_X reductions from Arkansas sources are required to improve visibility in Missouri Class I areas for the first implementation period.

haze FIP. ADEQ relies on a ''back-of-the-envelope'' calculation of anticipated emission reductions, and asserts that EPA's updated 2018 Arkansas ozone season NO_X emission budgets under the CSAPR update achieve a greater reduction in NO_X emissions than do implementation of NO_X BART controls included in the Arkansas Regional Haze FIP. Without any further analysis, ADEQ suggests that compliance with the 2018 CSAPR ozone season allocations for Arkansas EGUs satisfies the BART requirements of the Regional Haze Rule.

Response: This comment is in relation to ADEQ's comparison of anticipated NO_X emissions reductions based on the CSAPR emission budgets versus the anticipated NO_X emissions reductions from the Arkansas Regional Haze FIP. We did not base our proposed approval of the Arkansas NO_X SIP revision on the state's comparison of the anticipated NO_X reductions in Arkansas from CSAPR against those anticipated from the FIP. Furthermore, in response to comments that the state received during its state rulemaking process, ADEQ proceeded to remove from its final SIP revision the comparison of anticipated NO_X emissions reductions under the FIP versus CSAPR because such information is not necessary for EPA approval of the SIP.[31] With regard to the comment that ADEQ did not adequately support its determination that compliance with the 2018 CSAPR ozone season allocations for Arkansas EGUs satisfies the BART requirements, we disagree that ADEQ was required to undertake a state-specific analysis of whether reliance on CSAPR provides for greater reasonable progress than BART; as allowed under 40 CFR 51.308(e)(4), Arkansas is relying on EPA's determination that CSAPR provides for greater reasonable progress than BART to address the NO_X BART requirements for its EGUs. Arkansas' EGUs are currently subject to the CSAPR requirements for ozone-season NO_X, the State need not require subject-to-BART EGUs to install, operate, and maintain BART for NO_X. As explained above, although the D.C. Circuit remanded the CSAPR emissions budgets of certain states in 2015, we recently reaffirmed our determination that participation in CSAPR, as it now exists, continues to meet the Regional Haze Rule's criteria for an alternative to BART.[32]

Comment: Arkansas' proposal unlawfully exempts sources from installing BART controls without going through the exemption process Congress prescribed. The visibility protection provisions of the Clean Air Act include a ''requirement'' that certain sources ''install, and operate'' BART controls. Congress specified the standard by which sources could be exempted from the BART requirements, which is that the source is not ''reasonably anticipated to cause or contribute to a significant impairment of visibility'' in any Class I area. Appropriate federal land managers must concur with any proposed exemption. Neither EPA nor Arkansas has demonstrated that the Arkansas EGUs subject to BART meet the standards for an exemption. Nor has EPA or the state obtained the concurrence of federal land managers. Therefore, Arkansas must require source-specific BART for each power plant subject to BART.

Response: To the extent the comment is directed to prior final agency actions allowing states to rely on alternatives to BART generally or on CSAPR specifically to meet the BART requirements, this comment falls outside of the scope of our action here. Objections that the use of BART alternatives does not comply with 42 U.S.C. 7491(b)(2)(A) do not properly pertain to this action, but instead to our past regulatory actions that provided for BART alternatives.[33] We do note that the Arkansas SIP does not exempt the EGUs from BART but rather relies on EPA's determination that states may rely on CSAPR as an alternative means of meeting the BART requirements.

Comment: Even if Arkansas could meet a BART statutory exemption test, the state cannot rely on CSAPR because of flaws in the rule that purport to show that CSAPR makes more reasonable progress than BART (the ''Better than BART'' rule). EPA's regulations purport to allow the use of an alternative program in lieu of source-specific BART only if the alternative makes ''greater reasonable progress'' than would BART. To demonstrate greater reasonable progress, a state or EPA must show that the alternative program does not cause visibility to decline in any Class I area and results in an overall improvement in visibility relative to BART at all affected Class I areas. Here, EPA claims that its 2012 ''Better than BART'' rule demonstrated that CSAPR achieves greater reasonable progress than BART.

EPA compared CSAPR to BART in the Better than BART rule by using CSAPR allocations that are more stringent than now required as well as by using presumptive BART limits that are less stringent than required under the statute. These assumptions tilted the scales in favor of CSAPR. It would be arbitrary and capricious for EPA to rely on such an inaccurate, faulty comparison to conclude that CSAPR will achieve greater reasonable progress than will BART. Even under EPA's skewed comparison, CSAPR achieves barely more visibility improvement than BART at the Breton and Caney Creek National Wilderness Areas. If EPA had modeled accurate BART limits and up-to-date CSAPR allocations, then EPA would likely find that CSAPR would lead to less visibility improvement than BART.

EPA cannot lawfully rely on the Better than BART rule because the rule is based on a version of CSAPR that no longer exists. Accordingly, any conclusion that EPA made in the 2012 Better than BART rule regarding whether CSAPR achieves greater reasonable progress than BART is no longer valid. Since 2012, EPA has significantly changed the allocations and the compliance deadlines for CSAPR. Of particular relevance here, after 2012, EPA increased the total ozone season CSAPR allocations for every covered EGU in Arkansas. EPA also extended the compliance deadlines by three years, such that the phase 1 emissions budgets take effect in 2015–2016 and the phase 2 emissions budgets take effect in 2017 and beyond.

In addition to EPA's increased emissions budgets and extended compliance timeline, the D.C. Circuit's decision in *EME Homer City Generation* v. *EPA,* 795 F.3d 118, 130–32 (D.C. Cir. 2015), which invalidated the SO_2 or NO_X emission budgets for thirteen states, has fundamentally undermined the rationale underlying EPA's Better than BART rule. Specifically, the Court invalidated the 2014 SO_2 emission budgets for Alabama, Georgia, South Carolina, and Texas, and the 2014 NO_X emission budgets for Florida, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia. As explained in our initial brief in the still-pending challenge to the CSAPR Better than BART rule, the effect of *Homer City* is to pull the rug out from under EPA's BART exemption rule. EPA's finding that CSAPR would produce better

[31] See final Arkansas NO_X SIP revision, Tab E (Public Comment Period Documentation, Responsive Summary for State Implementation Plan Revision, p. 20).

[32] 82 FR 45481 (September 29, 2017).

[33] See the June 7, 2012 final rulemaking where we made the determination that CSAPR provides for greater reasonable progress than BART (77 FR 33642). See also our September 29, 2017 final rulemaking where we made the finding that the EPA's 2012 analytical demonstration remains valid and that participation in CSAPR, as it now exists, meets the Regional Haze Rule's criteria for an alternative to BART (82 FR 45481).

visibility improvement than BART was premised on the existence of all the state-specific emission budgets adopted in the Transport Rule. Because the D.C. Circuit has now invalidated many of those budgets, the BART exemption rule is left without the factual basis on which it relied.

Response: As we had proposed, our finalized determination that CSAPR participation will resolve the NO_X BART requirements for Arkansas EGUs is based on a separately proposed and recently finalized action that affirms that participation in CSAPR, as it now exists, continues to meet the Regional Haze Rule's criteria for an alternative to BART.[34] This comment is directed to the separately proposed action that was finalized on September 29, 2017, and therefore, falls outside of the scope of our action here.

Comment: Arkansas's reliance on CSAPR as an alternative to BART is unlawful because the emissions reductions achieved by CSAPR in Arkansas are limited to five months of the year—the ozone season. Under the Regional Haze Rule, BART represents a year-round limit on emissions. Given that CSAPR does not limit annual NO_X emissions from Arkansas sources, but instead only applies to Arkansas sources for five months out of the year, CSAPR cannot satisfy the Regional Haze Rule's requirement that sources meet the ''best system of continuous emission reduction'' for NO_X. In fact, as noted in EPA's Technical Support Document for the proposed disapproval of Arkansas's 2008 SIP, the adverse impacts of Arkansas NO_X emissions on visibility ''tend to be a large component of visibility impairment during the winter months''—*i.e.,* outside of the ozone season. Thus, NO_X emissions reductions that are effective only during the ozone season will not address the visibility impact due to wintertime ammonium nitrate at Breton Island or other Class I areas in neighboring states.

Even within the five-month ozone season, CSAPR allows for temporal variability such that a facility could emit at high levels within a shorter time period, creating higher than anticipated visibility impacts. Because of the high degree of variability and flexibility, power plants may exercise options that would lead to little or no emission reductions. For example, a facility in Arkansas might purchase emission credits from a source beyond the air shed of the Class I area the Arkansas source impairs. Because CSAPR requirements only pertain to the Arkansas source for a fraction of the year, that source may be even more incentivized to purchase emission credits from elsewhere than a source in a fully covered CSAPR state. Thus, without knowing which Arkansas EGUs will reduce pollutants by what amounts under CSAPR, or when they will do so, and because these emissions reductions are applicable for less than half the year, Arkansas simply cannot know the impact of CSAPR upon Breton and other affected Class I areas.

For these reasons, reliance on CSAPR to satisfy the NO_X BART requirements is unlawful. EPA should disapprove Arkansas' reliance on CSAPR to satisfy the NO_X requirements.

Response: These comments fall outside the scope of this rulemaking. In 2012, when we finalized our determination that CSAPR provides for greater reasonable progress than BART, we considered comments that the imposition of BART would require year-round operation of NO_X controls but that under CSAPR there would be no assurance that controls would operate outside of the ozone season. The basis for our decision to allow Arkansas and other states covered by CSAPR for ozone season only to rely on participation in that program to satisfy NO_X BART is explained in that rulemaking.[35]

Comment: Arkansas purports to satisfy the regulatory requirements for a BART alternative by relying on ozone-season budgets for NO_X that no longer exist. To rely on CSAPR as an alternative to BART, Arkansas must demonstrate that the version of CSAPR that is now in effect, and will be in effect at the time of the final rule, makes greater reasonable progress than BART. Having failed to make that demonstration, Arkansas has not met its burden to show that CSAPR will achieve greater reasonable progress than source-specific BART. More troubling, Arkansas' reliance on the CSAPR ''Better than BART'' rule fails to account for, or even mention, the possibility that CSAPR or the ''Better than BART'' rule will not exist in any form when the SIP is finalized.

Response: As we had proposed, our finalized determination that CSAPR participation will resolve NO_X BART requirements for Arkansas EGUs is based on a separately proposed and finalized action taken in 2012. On September 29, 2017, we affirmed our proposed finding that the EPA's 2012 analytical demonstration remains valid and that participation in CSAPR, as it now exists, meets the Regional Haze Rule's criteria for an alternative to BART.[36] This comment falls outside of the scope of our action here.

Comment: When evaluating a state's BART determination, the EPA looks at existing requirements and cannot rely on potential future actions in its decision to approve or disapprove a state SIP. As EPA recognizes in the proposed approval, the agency cannot finalize Arkansas' proposed SIP until EPA finalizes its finding that CSAPR continues to be better than BART as an alternative to source-specific EGU BART for NO_X. Although EPA, on September 29, 2017, finalized a rule purporting to conclude that ozone-season NO_X limitations under CSAPR continue to be ''better than BART'' for eligible EGUs in Arkansas, EPA failed to include any of the documentation or analyses supporting that finding in this docket. As such, EPA cannot approve Arkansas's SIP proposal unless and until those analyses are included in the docket and the public has a meaningful opportunity to comment on those materials.

Response: We included the notice of proposed rulemaking addressing whether CSAPR continues to be better than BART following changes to the budgets of certain states in our docket for this action because of its relevance to Arkansas' proposed SIP revision.[37] As explained in our proposed approval of Arkansas' SIP revision, EPA would be able to approve regional haze SIP submissions that rely on participation in CSAPR as an alternative to BART only if it were to finalize its proposed rule or to otherwise determine that participation in CSPAR remains a viable BART alternative.[38] We accordingly made clear that a final determination that CSAPR participation will resolve the NO_X BART requirements for Arkansas' EGUs is based on a separately proposed and finalized action. The supporting materials and analyses underlying that action are contained in the docket for that action, and the public has had a meaningful opportunity to comment on that determination.

Comment: EPA should approve the Arkansas Regional Haze NO_X SIP revision because it satisfies the criteria of the Regional Haze program. The states, not EPA, play the lead role in designing and implementing [the] regional haze programs. EPA may disapprove a SIP only if it does not satisfy the minimum criteria of Section

[34] 82 FR 45481 (September 29, 2017).

[35] 77 FR at 33650.

[36] 82 FR 45481 (September 29, 2017).

[37] See the document in the docket titled ''AR020.0250 CSAPR Better than BART Proposed Rulemaking, dated November 10, 2016.''

[38] 82 FR at 42629.

110 of the Clean Air Act. Accordingly, EPA has no authority to question the wisdom of a State's choices of emission limitations if they are part of a plan which satisfies the standards of Section 110(a)(2), and has no authority to disapprove of a SIP ''simply on a preference for a particular control measure. The SIP revision meets the requirements of the Regional Haze Program and must be approved. ADEQ's determination that compliance with the CSAPR ozone season NO_X trading program requirements satisfies NO_X BART and any reasonable progress obligations for the state's EGUs is consistent with the Regional Haze Rule, is appropriate considering the minimal role that NO_X emissions play in visibility impairment in Arkansas' Class I areas, and would eliminate the unnecessary and duplicative requirements currently imposed by the Arkansas Regional Haze FIP.

Response: We appreciate the commenter's support of our proposed approval of the Arkansas Regional Haze NO_X SIP revision. As we had proposed, we are finalizing our approval of the Arkansas Regional Haze NO_X SIP revision.

B. Reasonable Progress

Comment: The State attempts to justify the elimination of reasonable progress controls on Independence by claiming that the CSAPR allocations for NO_X will result in greater reductions in NO_X emissions than the FIP would. The State's rationale has no basis in law or in fact. To begin, there is no statutory or regulatory provision which allows states to rely on CSAPR in lieu of conducting a four-factor analysis of reasonable progress. While EPA has issued a rule that purports to allow states to rely on CSAPR in lieu of imposing source-specific controls on BART sources, EPA has not issued a comparable rule for reasonable progress.

Moreover, the State's comparison of NO_X reductions under CSAPR versus the FIP is flawed. The State compares CSAPR allocations to binding reductions which must occur under the FIP, based on legally enforceable emissions limits. This compares apples to oranges. As the name suggest, CSAPR allocations are not emissions limits, they are initial entitlements to emit certain amounts of pollution. Sources can emit more than their initial allocations, because CSAPR allows both intra- and inter-state trading of allowances. Thus, it is highly misleading to treat CSAPR allocations as binding emission limits which can be compared directly to the emission limits and reductions under the Arkansas Regional Haze FIP.

ADEQ further claims in its SIP that it ''anticipates that some EGUs will choose to install combustion controls to comply with CSAPR that would reduce emissions year-round, not just in the ozone season.'' ADEQ provides no evidence for this assumption. More importantly, ADEQ wrongly conflates installation of controls with operation and optimized operation of controls. Even if it were true that some EGUs will install controls to comply with CSAPR, ADEQ provides no reason to assume that EGUs will operate those controls when they are not legally required to do so. ADEQ has advanced no basis for assuming that Arkansas EGUs will spend additional money to run NO_X controls or optimize them to reduce NO_X when they are not required to do so, *i.e.,* outside of the CSAPR ozone season. Thus, there is no record basis for assuming that CSAPR will reduce NO_X emissions in Arkansas outside of the ozone season.

Response: We disagree with the commenter that Arkansas is relying on CSAPR in lieu of conducting an appropriate reasonable progress analysis. In assessing the need for additional NO_X controls to address reasonable progress, Arkansas focused its reasonable progress assessment on the Central Regional Air Planning (CENRAP) [39] Comprehensive Air Quality Model with extensions (CAMx) source apportionment modeling,[40] and observed that a small portion of total light extinction is due to nitrate (NO_3) from Arkansas sources and that this portion is driven by on-road sources and not point sources. Arkansas notes that the source apportionment data show that NO_3 from Arkansas point sources contributes less than 0.5% of the total light extinction at Caney Creek and Upper Buffalo on the 20% worst days in 2002, and that, for the first implementation period, NO_X is not a key pollutant contributing to visibility impairment at Arkansas' Class I areas on those days. Based on the above observations, Arkansas reached the conclusion that, for the first implementation period, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas on the 20% worst days in view of the amount of visibility impairment attributed to these sources. Given the level of visibility impairment due to NO_X from Arkansas point sources at Caney Creek and Upper Buffalo on the 20% worst days and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, Arkansas decided to screen out Arkansas point sources from further evaluation of additional NO_X controls, thereby not evaluating the four reasonable progress factors for point sources with respect to NO_X in the first implementation period.

With regard to the comment that ''the State's comparison of NO_X reductions under CSAPR versus the FIP is flawed,'' we note that we did not base our proposed approval of the Arkansas NO_X SIP revision on the state's comparison of these NO_X reductions. In its draft SIP revision, ADEQ compared anticipated NO_X emission reductions under CSAPR as compared to the source-specific BART determinations required by EPA's FIP in assessing the need for additional reductions in NO_X to ensure reasonable progress. However, in its final SIP, ADEQ did not include this information as part of its rationale. We note that our proposed approval of Arkansas' SIP revision did not rely on this comparison of emissions. As a result, the adequacy of ADEQ's assessment is irrelevant to their final action or to our review of the final SIP. The commenter's statements questioning ADEQ's assumptions that Arkansas EGUs will install and operate NO_X combustion controls to comply with CSAPR for ozone-season NO_X and operate those controls year-round appear to be in the context of the commenter's contention that ADEQ's comparison of NO_X reductions under CSARP versus the Arkansas FIP is flawed. As noted above, the adequacy of ADEQ's comparison of NO_X emissions reductions in the proposed SIP revision is irrelevant to their final action or to our review of the final SIP.

Comment: The State failed to consider any of the four statutory factors for reasonable progress and the reasonable progress analysis is therefore unlawful and not approvable. Arkansas recognizes that ''the RHR requires states to consider four factors: (1) Cost of compliance, (2) the time necessary for compliance, (3) the energy and non-air quality environmental impacts of compliance, and (4) the remaining useful life of potentially affected sources,'' but then the State proceeds to ignore all four reasonable progress

[39] In developing their Regional Haze SIP and RPGs, Arkansas and potentially impacted States collaborated through CENRAP. Each State developed its Regional Haze Plans and RPGs based on the CENRAP modeling. The CENRAP modeling was based in part on the emissions reductions each state intended to achieve by 2018.

[40] CENRAP utilized CAMx with its Particulate Source Apportionment Technology (PSAT) tool to provide estimated contributions to visibility impairment at Class I areas by source region (*e.g.,* states) and major source category for both the baseline and future case (*i.e.,* 2018) visibility modeling.

factors for point sources in its reasonable progress analysis for NO_X. The Clean Air Act provides that in determining reasonable progress there shall be taken into consideration the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements. The Act contains no exception to this requirement. The SIP fails to consider these four statutory factors, and therefore violates the Clean Air Act. In particular, for NO_X emissions, the SIP contains no analysis of the four factors. For emissions of other pollutants, the SIP contains only a single sentence claiming that the cost effectiveness for control of POA and CM species from many individual small sources is difficult to quantify.

The SIP's failure to consider any of the four factors for NO_X controls is particularly egregious given that the State acknowledges that EPA has already issued a final rule containing a four-factor analysis for the Independence plant, which resulted in a requirement that Independence install and operate low-NO_X burners. The State has produced no evidence that EPA's four-factor analysis was incorrect in any way, because the State does not analyze any of the four factors which EPA considered.

Response: We agree that the CAA and the Regional Haze Rule provide that in determining reasonable progress, states ''shall take into consideration the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' [41] However, in cases where it has been demonstrated that a particular pollutant or source category does not contribute significantly to visibility impairment at affected Class I areas, it may be appropriate to end the analysis at that point, without the need to evaluate the four statutory factors for potential controls to address that pollutant and/or source category. For example, EPA's ''Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program'' provides that the reasonable progress analysis involves identification of key pollutants and source categories that contribute to visibility impairment at the Class I area; the guidance provides that once the key pollutants contributing to visibility impairment at each Class I area have been identified, the sources or source categories responsible for emitting these pollutants or pollutant precursors can also be determined.[42] The reasonable progress factors are then to be applied to the key pollutants and sources or source categories contributing to visibility impairment at each affected Class I area. As we discussed on our proposed action on the Arkansas Regional Haze NO_X SIP revision, taking into consideration that states have significant discretion in determining what sources to analyze for controls under reasonable progress, we proposed to agree with the state that it is reasonable for Arkansas to reach the conclusion that, for the first implementation period, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas in view of the amount of visibility impairment attributed to these sources.[43] Given the level of visibility impairment due to NO_X from Arkansas point sources at Caney Creek and Upper Buffalo on the 20% worst days and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, we find that it is reasonable for Arkansas to screen out Arkansas point sources from further evaluation of additional NO_X controls and therefore not have to evaluate the four reasonable progress factors for point sources with respect to NO_X in the first implementation period.

Arkansas' conclusions with regard to the percentage contribution to light extinction from NO_3 on the 20% worst days is generally consistent with the findings we made in the Arkansas Regional Haze FIP.[44] In the FIP, we made the finding that NO_3 due to NO_X emissions from point sources is not considered a driver of regional haze at Caney Creek and Upper Buffalo on the 20% worst days, contributing only approximately 3% of the total light extinction, as projected by CENRAP's CAMx source apportionment modeling.[45] We also stated in the FIP proposal that because of the small contribution of NO_3 from point sources to the total light extinction at Caney Creek and Upper Buffalo on the 20% worst days, we did not expect that NO_X controls under the reasonable progress requirements would offer as much improvement on these days compared to SO_2 controls.[46] However, in the FIP, we decided to look at 2011 National Emissions Inventory (NEI) data for NO_X for Arkansas point sources to determine if there are any large point sources that are reasonable candidates for evaluation under the four reasonable progress factors. Based on this assessment, we proceeded with an analysis of the four reasonable progress factors for NO_X controls for the Independence facility as we reasoned that it is the second largest point source of NO_X emissions in the state and potentially one of the largest single contributors to visibility impairment at Class I areas in Arkansas.[47] We also conducted CALPUFF modeling to determine the maximum 98th percentile visibility impacts from the Independence facility and the predicted visibility improvement due to NO_X controls at the facility. That analysis revealed that low NO_X burner controls would be cost-effective and would result in an improvement of the 98th percentile visibility impacts from the Independence facility at Caney Creek and Upper Buffalo, and we finalized NO_X controls for the Independence facility under the reasonable progress requirements.[48] In the Arkansas NO_X SIP revision, the state takes a different approach in arriving at its decision that no additional NO_X controls for Arkansas point sources are necessary under reasonable progress for the first implementation period. In its evaluation, Arkansas places greater emphasis on its assessment of the relative contributions to light extinction of sources within the State than it does on its assessment of the relative contributions of all sources (*i.e.,* sources both in and outside Arkansas). Arkansas focused its assessment on the CENRAP's CAMx source apportionment modeling and reaches the conclusion that, for the first implementation period, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas on the 20% worst days in view of the amount of visibility impairment attributed to these sources. Therefore, Arkansas determined that no additional NO_X controls beyond EGU participation in CSAPR for ozone season NO_X are necessary to satisfy the reasonable progress requirements for Arkansas sources in the first planning period. In future planning periods, Arkansas will have to reevaluate the benefit of NO_X reductions, which will likely become more important as other pollutants are reduced. We believe Arkansas is within its discretion to take

[41] 42 U.S.C. 7491(g)(1). See also 40 CFR 51.308(d)(1)(i)(A).

[42] EPA's ''Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program,'' p. 3–1 (June 1, 2007).

[43] 82 FR 42633.

[44] 81 FR 66332; *see also* 81 FR 68319 (October 4, 2016) (correction).

[45] 80 FR 18996.

[46] 80 FR 18996.

[47] 80 FR 18995.

[48] 81 FR 66332.

a different approach than we did in the Arkansas FIP, and that the approach Arkansas has taken to determine whether additional NO_X controls are necessary under reasonable progress is reasonable and therefore, approvable. The Clean Air Act gave EPA the power to identify pollutants and set air quality standards. Congress gave states ''the primary responsibility for implementing those standards.'' *Luminant Generation Co.* v. *EPA,* 675 F.3d 917, 921 (5th Cir. 2012). (internal quotation marks omitted); *see* 42 U.S.C. 7407(a) (''Each State shall have the primary responsibility for assuring air quality within [its] entire geographic area.''); *id.* section 7401(a)(3) (''[A]ir pollution prevention . . . is the primary responsibility of States and local governments.''). The states have ''wide discretion'' in formulating SIPs. *Union Elec. Co.* v. *EPA,* 427 U.S. 246, 250 (1976).

We are finalizing our approval of Arkansas' determination that Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period.

Comment: The State's reasonable progress analysis unlawfully fails to consider whether measures are needed to make reasonable progress at Class I areas outside Arkansas. The State's analysis is unlawful, regardless of whether the old or new version of the Regional Haze rule applies here. The prior version of the Regional Haze rule required each state to make an independent determination of the measures needed to make reasonable progress at out-of-state Class I areas. After noting the statutory goal to eliminate all human-caused visibility impairment, EPA observed that ''it would be impossible to achieve this goal if upwind states did not have the same responsibility to address their visibility impairing emissions and achieve reasonable progress in downwind Class I areas as the downwind states themselves.''

The current version of the regional haze rule clarifies, but does not alter, this obligation. As EPA noted in the 2017 revisions to the regional haze rule, states have an ''independent obligation to include in their SIPs enforceable emission limits and other measures that are necessary to make reasonable progress at all affected Class I areas, as determined by considering the four factors.'' Despite the requirement to consider whether measures are needed to make reasonable progress at out of state Class I areas, the State's analysis focuses exclusively on the two Class I areas within Arkansas. Yet the State acknowledges that emissions from Arkansas sources impact visibility at Class I areas in Missouri. EPA's analysis of the SIP revision commits the same mistake as the SIP revision itself. EPA fails to analyze whether the State has complied with Clean Air Act requirements to determine whether measures are needed to make reasonable progress at out-of-state Class I areas. By failing to consider whether measures are necessary to make reasonable progress at Missouri Class I areas, the draft SIP violates the Regional Haze Rule, and is unapprovable.

Response: We disagree with the commenter that Arkansas failed to consider whether additional controls are necessary to make reasonable progress in Class I areas outside the state. The Arkansas NO_X SIP revision recognizes that sources in Arkansas impact the two Class I areas in Missouri: Hercules Glade Wilderness Area and Mingo Wilderness Area. Arkansas also explains that ''[t]he most recent five-year rolling average of observed visibility impairment on the twenty percent haziest days at Hercules Glades Wilderness Area beat Missouri's 2018 RPG for that Class I area and the most recent five year-rolling average of observed visibility impairment on the twenty percent haziest days at Mingo Wilderness Area is on track to beat Missouri's RPG for that Class I area.'' [49] Arkansas concludes that the visibility progress observed at the IMPROVE monitors indicates that sources in Arkansas are not interfering with the achievement of Missouri's 2018 RPGs for Hercules Glades and Mingo Wilderness Areas, and that no additional controls are therefore needed on Arkansas sources to ensure reasonable progress at Missouri's Class I areas.[50] Furthermore, Arkansas provided Missouri with an opportunity for consultation on the Arkansas NO_X SIP revision.[51] Arkansas sent a letter dated June 14, 2017, to the Missouri Department of Natural Resources (DNR) providing notification and electronic access to the proposed SIP revision, and providing an opportunity to discuss Missouri's assessment of the impact of the proposed SIP revision on reasonable progress at Missouri Class I areas.[52] Missouri DNR did not have comments on Arkansas' proposed SIP revision.

Comment: The Arkansas Regional Haze NO_X SIP revision determines that controls for reasonable progress are not necessary for the first planning period. The Clean Air Act requires that regional haze implementation plans contain measures ''necessary to make reasonable progress toward meeting the national goal'' of no manmade visibility impairment. In its regulations implementing the Regional Haze program, EPA established that, in setting a reasonable progress goal, the State must consider the uniform rate of improvement in visibility and the emission reduction measures needed to achieve it for the period covered by the implementation plan. EPA has further explained in its guidance for setting reasonable progress goals that states should take into account the fact that the long-term goal of no manmade impairment encompasses several planning periods and that it is reasonable for the state to defer reductions to later planning periods in order to maintain a consistent glidepath toward the long-term goal. Mandating emissions controls that are not necessary to make reasonable progress during the planning period contradicts this statutory and regulatory scheme.

Reasonable progress controls during the first planning period clearly are not necessary for Arkansas sources. Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data show that the haze index has been consistently below the glidepath in Arkansas' Class I areas—Caney Creek and Upper Buffalo—and Entergy's analysis demonstrates that it is projected to remain so through the end of the second planning period.

Even if controls were required for reasonable progress during the first planning period, NO_X controls on Arkansas EGUs are not necessary, as they will provide minimal visibility improvement in Arkansas' Class I areas. As EPA's own analysis indicates, the contribution of Arkansas point sources' nitrate emissions to visibility impairment in Arkansas' Class I areas is insignificant. According to EPA's analysis, nitrate from all point sources included in the regional modeling is projected to account for only 3% of the total light extinction at the Caney Creek and Upper Buffalo Class I areas, with nitrate from Arkansas point sources being responsible for only 0.27% of the total light extinction at Caney Creek and 0.14% at Upper Buffalo. As a result, NO_X controls on Arkansas EGUs during the first planning period are not necessary to make reasonable progress towards natural visibility conditions.

[49] See final Arkansas NO_X SIP revision, Section IV.C, p. 23.

[50] See final Arkansas NO_X SIP revision, Section IV.C, p. 23.

[51] See final Arkansas NO_X SIP revision, Section V.C, p. 25.

[52] See final Arkansas NO_X SIP revision, Tab E.

Response: We appreciate the commenter's support of our proposed approval of Arkansas' reasonable progress determination for NO_X. As we had proposed, given the level of visibility impairment due to NO_X from Arkansas point sources at Caney Creek and Upper Buffalo on the 20% worst days and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, we are finalizing our determination that Arkansas' decision to screen out Arkansas point sources from further evaluation of additional NO_X controls is reasonable and we are finalizing our approval of Arkansas' determination that Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period.

C. Clean Air Act Section 110(l)

Comment: EPA asserts that in the SIP revision, Arkansas takes a different, but nonetheless equally reasonable, approach to determine whether additional controls are necessary under reasonable progress. But EPA ignores that the State's ''different'' approach would result in more air pollution and worse air quality relative to the existing FIP. As a result, the State's reasonable progress determination violates the Clean Air Act's ''anti-backsliding'' requirement under 42 U.S.C. 7410(l), and is therefore unapprovable.

In the 2016 FIP, EPA determined that reasonable progress requires that Independence Units 1 and 2 meet NO_X emission limits based on the use of low-NO_X burners and separated over-fire air controls. Now, the State proposes a SIP that would replace those NO_X emission limits with nothing. Eliminating the requirement that a source meet an emission limit necessarily would result in greater air pollution and worse visibility impairment at affected Class I areas. Section 110(l) of the Clean Air Act prevents a plan revision that would weaken the existing FIP requirements in this manner.

Section 110(l) states that the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of this chapter. Section 110(l) is the Act's ''anti-backsliding'' provision. The anti-backsliding provision prohibits plan revisions that would interfere with attainment of the NAAQS or other ''applicable requirements'' of the Act. Section 110(l) prohibits plan revisions that would interfere with an existing requirement to make reasonable further progress, including a BART determination, as the Act's ''applicable requirement[s]'' include the regional haze program's BART requirements. When determining whether a plan revision interferes with NAAQS attainment, EPA has interpreted section 110(l) as preventing plan revisions that would increase overall air pollution or worsen air quality. For example, the Eleventh Circuit has upheld EPA's section 110(l) interpretation as prohibiting plan revisions that would increase emissions or worsen air quality. In *Kentucky Resources Council, Inc.* v. *EPA,* 467 F.3d 986 (6th Cir. 2006), EPA interpreted section 110(l) as allowing the agency to approve a plan revision that weakened some existing control measures while strengthening others, but only ''[a]s long as actual emissions in the air are not increased.'' The court upheld EPA's interpretation, which ''allow[ed] the agency to approve a [state implementation plan] SIP revision unless the agency finds it will make the air quality worse.'' The Seventh Circuit has also upheld EPA's interpretation in *Indiana* v. *EPA,* 796 F.3d 803, 812 (7th Cir. 2015). Moreover, in a short discussion regarding a challenge to the Nevada regional haze plan in *WildEarth Guardians* v. *EPA,* 759 F.3d 1064, 1074 (9th Cir. 2014), the Ninth Circuit suggested that a haze plan that ''weakens or removes any pollution controls'' would violate section 110(l).

The existing reasonable progress determination in the FIP requires Independence Units 1 and 2 to meet emission limits based on the use of low-NO_X burners and separated over-fire air. These pollution reductions must occur by April 27, 2018. EPA has proposed to extend the compliance deadline for this requirement, but has not proposed to alter the emission limits themselves. Even if the deadline extension is finalized, the final FIP for Arkansas requires Independence Units 1 and 2 to reduce NO_X emissions. The draft SIP would eliminate the FIP requirements for Independence without imposing any other requirement that would achieve equal or greater reductions in NO_X emissions from Independence.

Response: We disagree that the Arkansas NO_X SIP revision violates the CAA's requirements under section 110(l). As discussed in our proposed approval of the Arkansas NO_X SIP revision, we believe an approval of the SIP revision and concurrent withdrawal of the corresponding parts of the FIP, as proposed, will meet the Clean Air Act's 110(1) provisions. Generally, a SIP revision may be approved under section 110(l) if EPA finds that it will at least preserve status quo air quality, particularly where the pollutants at issue are those for which an area has not been designated nonattainment.[53] Approval of the Arkansas NO_X SIP revision is not expected to interfere with attainment and maintenance of any of the NAAQS within the state of Arkansas. No areas in Arkansas are currently designated nonattainment for any NAAQS pollutants. The SIP revision we are approving would allow Arkansas to rely on compliance with CSAPR for ozone-season NO_X to satisfy the NO_X BART requirement for Arkansas EGUs and makes the determination that no additional NO_X controls beyond EGU participation in CSAPR for ozone season NO_X are necessary to satisfy the reasonable progress requirements for NO_X for Arkansas sources. While the commenter is correct that the Arkansas NO_X SIP revision we are approving does not require source-specific NO_X controls under reasonable progress for Independence Units 1 and 2, as was required by the FIP, we note that those units are subject to CSAPR for ozone season NO_X and their NO_X emissions will thus be addressed through participation in the CSAPR ozone season NO_X program. Further, the CSAPR 2018 NO_X ozone season allocations for Arkansas sources are more stringent than the 2017 allocations. As all areas in Arkansas are attaining all the NAAQS even with current emissions levels, compliance with the CSAPR 2018 NO_X ozone season more stringent allocations will not interfere with any applicable requirement concerning attainment or reasonable further progress toward attainment of the NAAQS. We are not aware of any basis for concluding or demonstrating that the Arkansas NO_X SIP revision, when implemented, would interfere with the continued attainment of all the NAAQS in Arkansas.

We also do not find that our approval of the Arkansas NO_X SIP revision, as proposed, will interfere with the applicable CAA regional haze requirements for BART or reasonable progress because our action is supported by an evaluation that those CAA regional haze requirements for BART and reasonable progress are met. Specifically, EPA has made the determination that Arkansas EGU participation in CSAPR for ozone-season NO_X satisfies the NO_X BART requirements for Arkansas EGUs, consistent with 40 CFR 51.308(e)(4). On September 29, 2017, we affirmed our proposed finding that the EPA's 2012

[53] 78 FR 51686 at 51694 (August 21, 2013).

analytical demonstration remains valid and that participation in CSAPR, as it now exists, meets the Regional Haze Rule's criteria for an alternative to BART. With regard to reasonable progress for regional haze, the Arkansas NO_X SIP revision includes an assessment of anthropogenic sources of visibility impairment and arrives at the determination that given the level of contribution to light extinction from NO_X due to Arkansas point sources, Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period. The Independence facility, on which the FIP imposed source specific NO_X controls under the reasonable progress requirements, is subject to CSAPR for ozone season NO_X. Even though we are approving the Arkansas NO_X SIP revision and concurrently withdrawing the source-specific NO_X controls in the FIP for the Independence facility, the NO_X emissions from the Independence facility will still be addressed under the regional haze reasonable progress requirements through participation in the CSAPR ozone season NO_X emissions trading program. In addition, all Arkansas EGUs with a nameplate capacity of 25 megawatts or greater participate in the CSAPR ozone season NO_X emissions trading program. This means that many EGUs that were not subject to control requirements under the FIP are required under the CSAPR trading program to comply with specific NO_X emissions allocations during the ozone season.

D. Legal

Comment: To be approvable, any SIP must include enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals. The agency recognized in disapproving Arkansas's 2011 SIP package, that when evaluating a state's BART determination, the EPA looks at existing requirements and cannot rely on potential future actions in its decision to approve or disapprove a state SIP. Here, EPA's proposed approval is impermissibly based on future contingencies that have not occurred. Indeed, the agency recognized in the proposal that it cannot take a final action until the state completes its rulemaking process, adopts its final regulations, and submits these final adopted regulations as a revision to the Arkansas SIP. Because EPA's proposed action relies on potential future state actions, it cannot be approved.

Response: We disagree with comments that we are relying on potential future state actions in taking final action. CSAPR is an existing program that the state of Arkansas is participating in for NO_X. The Arkansas SIP revision relies on participation in CSAPR to meet the requirements of NO_X BART, as well as the fact that NO_X is not the driver of visibility impairment on the 20% worst days, in their determination under reasonable progress, that no other NO_X controls are needed. Future decisions on trading as part of its current participation in CSAPR are not considered future state actions. Current participation in CSAPR is the state action that EPA's proposed action is based upon.

Further, our proposed approval was based on a proposed SIP revision submitted by ADEQ on July 12, 2017, with a request for parallel processing. As we explained in our September 11, 2017 proposal, we proposed action on the SIP revision at the same time that ADEQ was completing the corresponding public comment and rulemaking process at the state level.[54] We explained that the July 2017 SIP revision request would not be complete and would not meet all the SIP approvability criteria until the state completes the public process and submits the final, adopted SIP revision with a letter from the Governor or Governor's designee to EPA.[55] In our September 11, 2017 proposal, we proposed to approve the SIP revision request after completion of the state public process and final submittal of the SIP revision. On October 31, 2017, we received ADEQ's final SIP revision addressing BART and reasonable progress requirements for NO_X for EGUs in Arkansas for the first implementation period. The final Arkansas Regional Haze NO_X SIP revision we received on October 31, 2017 did not contain significant changes from the state's proposed SIP revision. Therefore, it is appropriate for us to take final action, as proposed, on the final SIP revision.

E. General

Comment: The proposed rule contains certain calculation errors, which, although sufficiently minor that they do not affect EPA's conclusions, should be corrected. EPA states that total light extinction on the 20% worst days in 2002 was 115.87 Mm^{-1} for Caney Creek and 115 Mm^{-1} for Upper Buffalo. These values are inconsistent with CENRAP PSAT results, which are 133.93 Mm^{-1} and 131.79 Mm^{-1}, respectively. EPA's values appear to exclude certain source categories, namely Initial Conditions, Boundary Conditions, Secondary Organic Aerosols—Anthropogenic, and Secondary Organic Aerosols—Biogenic. EPA does not explain why these categories are or should be excluded when calculating light extinction on the 20% worst days in 2002. Further, EPA does include these categories in its calculation of other values, such as the 87.05 Mm^{-1} value for the SO_4 contribution at Caney Creek, which accounts for 3.32 Mm^{-1} from the Boundary Conditions source category. Because the total light extinction values form the basis for many other values in EPA's analysis, errors in the total light extinction values carry over into the derivative values.

The proposed rule also contains a number of miscalculations unrelated to the total light extinction error. These miscalculations relate to EPA's characterization of the CENRAP PSAT results. While sufficiently minor that they do not affect the outcome of EPA's determination, Entergy lists these errors here in the interest of correcting the record:

- EPA states that the remaining source categories each contribute between 2% and 6% of total light extinction at Arkansas' Class I areas. The high-end rounded value should be changed from 6% to 7%, as the true range is 1.83% to 6.72%, pursuant to the CENRAP PSAT results.
- EPA states that the PSAT results show that natural, on-road, and non-road sources are projected to continue to contribute a very small portion of total light extinction at Arkansas' Class I areas on the 20% worst days in 2018. According to the CENRAP PSAT results, the contribution of natural, on-road, and non-road sources is 8.5% to 9.4% of the total light extinction. This amount should not be characterized as ''a very small portion.''
- EPA states that the other species (*i.e.,* NO_3, POA, EC, soil, and CM) are also projected to have reductions in their contribution to total light extinction at Caney Creek and Upper Buffalo in 2018. This statement is true for all the species except soil, which actually increases in 2018 for both Class I areas according to the CENRAP PSAT results.
- EPA states that the other source categories in Arkansas each contribute between 7% and 14% to light extinction attributed to Arkansas sources at Caney Creek and Upper Buffalo. According to the CENRAP PSAT results, the correct range is 7% to 8%.
- EPA states that CM from Arkansas sources, primarily area sources,

[54] 82 FR at 42629.

[55] Id.

contribute approximately 1 and 2% of total light extinction at Caney Creek and Upper Buffalo, respectively. According to the CENRAP PSAT results, the value for Upper Buffalo is 2.68% (which would round to 3%).

Response: We appreciate the commenter pointing out errors and other mischaracterizations of light extinction values presented in our proposed action. We acknowledge these errors. As pointed out by the commenter, these errors are minor in nature and do not affect our proposed and final determinations on the Arkansas Regional Haze NO_X SIP revision.

- The commenter is correct that our proposed action stated that total light extinction on the 20% worst days in 2002 was 115.87 Mm^{-1} for Caney Creek and 115 Mm^{-1} for Upper Buffalo.[56] However, as pointed out by the commenter, these cited values did not include initial conditions, boundary conditions, and secondary organic matter. As we noted in our proposed action on the 2008 Arkansas Regional Haze SIP,[57] the correct total visibility extinction on the 20% worst days in 2002, including contributions from initial conditions, boundary conditions, and secondary organic matter, is 133.93 Mm^{-1} at Caney Creek[58] and 131.79 Mm^{-1} at Upper Buffalo.[59]
- The commenter pointed out that we stated in our proposal that the PSAT results show that natural, on-road, and non-road sources are projected to contribute a very small portion of total light extinction at Arkansas' Class I areas on the 20% worst days in 2018.[60] The commenter further points out that the combined contribution of these three source categories is 8.5% and 9.4% at Caney Creek and Upper Buffalo, which the commenter says should not be characterized as ''a very small portion.'' While we agree with the commenter that the combined contribution of the three source categories is not ''very small,'' we would like to clarify that the statement made in our proposal referred to the contribution of each individual source category at each Class I area. For example, the natural source category contributes approximately 2.47% of the total light extinction at Caney Creek and 2.6% at Upper Buffalo on the 20% worst days in 2018; the on-road source category contributes approximately 1.68% of the total light extinction at Caney Creek and 1.82% at Upper Buffalo; and the on-road source category contributes approximately 4.38% of the total light extinction at Caney Creek and 4.93% at Upper Buffalo.
- The commenter pointed out that our statement that the light extinction due to species other than SO_4 is projected to decrease in 2018 on the 20% worst days at Caney Creek and Upper Buffalo is correct for all species except soil. The commenter is correct, as the light extinction due to soil is projected to increase slightly in 2018 on the 20% worst days at both Class I areas.[61] The commenter points out that according to the CENRAP PSAT results, CM from Arkansas sources contribute approximately 2.68% of the total light extinction at Upper Buffalo, not 2%, as stated in our proposal.[62] The commenter is correct. The CM contribution from all Arkansas source categories is 3.53 Mm^{-1}, out of a total light extinction of 131.79 Mm^{-1}, which is a contribution of approximately 2.68%.

IV. Final Action

We are approving a revision to the Arkansas SIP submitted on October 31, 2017, as meeting the regional haze requirements for the first implementation period. This action includes the finding that the submittal meets the applicable regional haze requirements as set forth in sections 169A and 169B of the CAA and 40 CFR 51.300–51.308. The EPA is approving the SIP revision submittal as meeting the following: the core requirements for regional haze SIPs found in 40 CFR 51.308(d) such as the reasonable progress requirement for NO_X; the NO_X BART requirements for regional haze visibility impairment with respect to emissions of visibility impairing pollutants from EGUs in 40 CFR 51.308(e); and the requirement for coordination with state and Federal Land Managers in § 51.308(i). We are approving ADEQ's reliance on CSAPR participation for ozone season NO_X to meet the NO_X BART requirement for EGUs. Arkansas' reliance on CSAPR addresses the NO_X BART requirements for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and the Auxiliary Boiler.

We also agree that Arkansas' conclusion that given the relatively small level of visibility impairment due to NO_X from Arkansas point sources at Caney Creek and Upper Buffalo on the 20% worst days, for the first implementation period, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas on the 20% worst days is reasonable. In light of the level of visibility impairment due to NO_X from Arkansas point sources at Caney Creek and Upper Buffalo and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, we are finalizing our determination that Arkansas' decision to screen out Arkansas point sources from further evaluation of additional NO_X controls is reasonable and we are finalizing our approval of Arkansas' determination that no additional NO_X controls, beyond Arkansas EGU participation in CSAPR for ozone season NO_X, are necessary to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period.

Concurrent with our final approval of the Arkansas Regional Haze NO_X SIP revision, we are finalizing in a separate rulemaking our final action to withdraw those portions of the Arkansas Regional Haze FIP at 40 CFR 52.173 that impose NO_X requirements on Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and the Auxiliary Boiler; and Independence Units 1 and 2.[63]

We find that an approval of the SIP revision meets the Clean Air Act's 110(1) provisions. No areas in Arkansas are currently designated nonattainment for any NAAQS pollutants. Approval of the Arkansas NO_X SIP revision will not interfere with continued attainment of all the NAAQS within the state of Arkansas. The SIP revision we are approving would allow Arkansas to rely on compliance with CSAPR for ozone-season NO_X to satisfy the NO_X BART requirement for Arkansas EGUs and makes the determination that no additional NO_X controls beyond EGU participation in CSAPR for ozone season NO_X are necessary to satisfy the reasonable progress requirements for NO_X for Arkansas sources. We also find that our approval of the Arkansas NO_X SIP revision will not interfere with the applicable CAA regional haze requirements for BART because our action is supported by an evaluation EPA made in a separate rulemaking[64] that the CAA requirement for BART can be satisfied through participation in

[56] 82 FR at 42630.

[57] 76 FR at 64186 (October 17, 2011).

[58] 76 FR at 64214.

[59] 76 FR at 64215.

[60] 82 FR 42631.

[61] 76 FR at 64214–64215; see Tables 8 and 10.

[62] 82 FR at 42631.

[63] Our final action withdrawing part of the Arkansas Regional Haze FIP is also being published in this **Federal Register**.

[64] On September 29, 2017, we finalized our proposed finding that the EPA's 2012 analytical demonstration remains valid and that participation in CSAPR, as it now exists, meets the Regional Haze Rule's criteria for an alternative to BART.

CSAPR. We also find that our approval of the Arkansas NO_X SIP revision will not interfere with the applicable CAA regional haze requirements for reasonable progress because the Arkansas NO_X SIP revision includes an assessment of anthropogenic sources of visibility impairment and arrives at the determination that given the level of contribution to light extinction from NO_X due to Arkansas point sources, Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period. The Independence facility, on which the FIP imposed source specific NO_X controls under the reasonable progress requirements, is subject to CSAPR for ozone season NO_X. Even though we are approving the Arkansas NO_X SIP revision and concurrently withdrawing the source-specific NO_X controls in the FIP for the Independence facility, the NO_X emissions from the Independence facility will still be addressed under the regional haze reasonable progress requirements through participation in the CSAPR ozone season NO_X emissions trading program.

V. Statutory and Executive Order Reviews

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, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

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

List of Subjects in 40 CFR Part 52

Air pollution control, Best available retrofit technology, Environmental protection, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Regional haze, Reporting and recordkeeping requirements, Visibility.

Dated: January 24, 2018.

Anne Idsal,

Regional Administrator, Region 6.

Title 40, chapter I, 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 E—Arkansas

■ 2. In § 52.170, paragraph (e) is amended by adding the entry ''Arkansas Regional Haze NO_X SIP Revision'' at the end of the third table titled ''EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' to read as follows:

§ 52.170 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
*	*	*	*	* * *
Arkansas Regional Haze NO_X SIP Revision.	Statewide	10/31/2017	2/12/2018, [Insert **Federal Register** citation].	Regional Haze SIP submittal addressing NO_X BART requirements for Arkansas EGUs and reasonable progress requirements for NO_X for the first implementation period.

■ 3. In § 52.173, paragraphs (e) and (f) are added to read as follows:

§ 52.173 Visibility protection.

* * * * *

(e) *Measures addressing best available retrofit technology (BART) for electric generating unit (EGU) emissions of nitrogen oxides (NO_X).* The BART requirements for EGU NO_X emissions are satisfied by § 52.184 and the Arkansas Regional Haze NO_X SIP Revision approved February 12, 2018, [Insert **Federal Register** citation].

(f) *Other measures addressing reasonable progress.* The reasonable progress requirements for NO_X emissions are satisfied by the Arkansas Regional Haze NO_X SIP Revision approved February 12, 2018, [Insert **Federal Register** citation].

[FR Doc. 2018–02147 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0573; FRL–9973–55-Region 9]

Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from marine and pleasure craft coating operations. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on March 14, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2017–0573. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972- 3024, *lazarus.arnold@epa.gov.*

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

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I. Proposed Action
II. Public Comments and EPA Responses
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I. Proposed Action

On November 17, 2017 (82 FR 54307), the EPA proposed to approve the following rule into the California SIP.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
MDAQMD	1106	Marine and Pleasure Craft Coating Operations	10/24/2016	02/24/2017

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received three comments stating, *inter alia,* that birds and bats are killed by wind and solar facilities, that federal agencies should address wildfire risks, and that California should regulate emissions from wildfires. These comments fail to identify any specific issue that is germane to our action on the Mojave Desert Marine and Pleasure Craft Coating Operations Rule.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

In addition, the EPA is fixing typographical errors in Title 40 of the Code of Federal Regulations, Section 52.220, subparagraph (c)(350)(i). On June 30, 2017, the EPA took final action to approve an updated version of Great Basin Unified Air Pollution Control District Rule 431 into the California SIP (82 FR 29762). In that action, we

modified 40 CFR 52.220 by adding subparagraphs (c)(350)(i)(A)(3) and (c)(457)(i). Subparagraph (c)(350)(i)(A)(3) was inadvertently added following subparagraph (c)(350)(i)(B), when these two paragraphs should have been placed in the opposite order. In addition, subparagraph (c)(350)(i)(A)(3) contains the following text ''Previously approved on October 31, 2007 in paragraph (c)(350)(i)(A)(1) of this section and now deleted with replacement in paragraph (c)(457)(i)(I)(*2*) of this section, Rule 431, adopted on December 7, 1990 and revised on December 4, 2006.'' The cross-reference to subparagraph (c)(457)(i)(I)(*2*) is in error and should instead refer to subparagraph (c)(457)(i)(I)(*1*). Accordingly, in addition to adding new text located in subparagraph (c)(350)(i)(B)(3), we are re-ordering subparagraph (c)(350)(i) and correcting the cross-reference in subparagraph (c)(350)(i)(A)(3) to address these prior mistakes. These changes correct typographical errors, and do not substantively modify the regulatory text.

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 MDAQMD rule described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the 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 (Public Law 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).

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

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

List of Subjects in 40 CFR Part 52

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

Dated: January 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 revising paragraphs (c)(350)(i)(A) and (B) and by adding paragraph (c)(498)(i)(B) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(350) * * *

(i) *Incorporation by reference.*

(A) Great Basin Unified Air Pollution Control District.

(*1*) Rule 431, adopted on December 7, 1990 and revised on December 4, 2006.

(*2*) Rule 401, ''Fugitive Dust'', adopted on September 5, 1974 and amended on December 04, 2006.

(*3*) Previously approved on October 31, 2007 in paragraph (c)(350)(i)(A)(1) of this section and now deleted with replacement in paragraph (c)(457)(i)(I)(*1*) of this section, Rule 431,

adopted on December 7, 1990 and revised on December 4, 2006.

(B) Mojave Desert Air Quality Management District.

(*1*) Rule 444, adopted on October 8, 1976 and amended on September 25, 2006.

(*2*) Rule 1106, Marine Coating Operations, adopted on August 28, 2006 and amended on October 23, 2006.

(*3*) Previously approved on July 16, 2008 in paragraph (c)(350)(i)(B)(2) of this section and now deleted with replacement in (c)(498)(i)(B)(1), Rule 1106, adopted on August 28, 2006 and amended on October 23, 2006.

* * * * *

(498) * * *

(i) * * *

(B) Mojave Desert Air Quality Management District.

(*1*) Rule 1106, ''Marine and Pleasure Craft Coating Operations,'' amended on October 24, 2016.

[FR Doc. 2018–02669 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0516; FRL–9972–36]

Rimsulfuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances, including tolerances with regional registration, for residues of rimsulfuron in or on multiple commodities that are identified and discussed later in this document. In addition, this regulation removes several previously established tolerances that are superseded by this final rule. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 12, 2018. Objections and requests for hearings must be received on or before April 13, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0516, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0516 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 13, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0516, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of Thursday, March 23, 2017 (82 FR 14846) (FRL–9957–99), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8496) by IR–4 Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.478 be amended by establishing tolerances for residues of the herbicide rimsulfuron, N-[[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide, in or on Berry, low growing, except strawberry, subgroup 13–07H at 0.01 parts per million (ppm); Fruit, citrus, group 10–10 at 0.01 ppm; Fruit, pome, group 11–10 at 0.01 ppm; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.01 ppm; Fruit, stone, group 12–12 at 0.01 ppm; Nut,

tree, group 14–12 at 0.01 ppm; Vegetable, tuberous and corm, subgroup 1C at 0.1 ppm; and tolerances with regional restrictions in or on Fescue, forage at 0.01 ppm; Fescue, hay at 0.01 ppm; Ryegrass, perennial, forage at 0.01 ppm; and Ryegrass, perennial, hay at 0.01 ppm. That document referenced a summary of the petition prepared by E. I. du Pont de Nemours and Company, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is establishing tolerance levels that vary from what the petition requested. The reason for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for rimsulfuron including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with rimsulfuron follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The toxicity database indicates that target organs for rimsulfuron are the liver and kidney in the rat and dog, along with the testis and blood in the mouse and dog. In the mouse, the stomach was also a target organ.

Adverse changes in body weight and food consumption were observed in rats, mice and dogs. In subchronic and chronic toxicity studies in rats, toxic effects included decreased body weight, decreased body weight gain, increased relative liver and absolute kidney weights, and diuresis. In the subchronic study in mice, increased red blood cell and hemoglobin, and decreased body weight gain and food efficiency were observed. In the chronic study in mice, decreased body weight, increased incidences of dilation and cysts in the glandular stomach, and degeneration of the testicular artery and tunica albuginea were observed. In the subchronic study in dogs, diuresis was indicated by urinary volume, platelet concentration and kidney weights accompanied by decreased urinary osmolality. In the chronic study in dogs, increased absolute liver and kidney weights, increased seminiferous tubule degeneration, and increased number of spermatid giant cells present in epididymides in males were observed.

In the developmental toxicity study in rats, no toxicity was seen at the highest dose tested (HDT). In the developmental toxicity study in rabbits, and in the 2-generation reproduction toxicity study in rats, developmental/offspring toxicity was seen in the presence of maternal/systemic toxicity and at similar dose levels. There is no quantitative or qualitative evidence of increased susceptibility following pre- and/or post-natal exposures in the developmental and reproduction studies.

There is no indication in the database that rimsulfuron is neurotoxic or immunotoxic. Rimsulfuron is not mutagenic and has been classified as ''not likely to be carcinogenic to humans,'' based on the lack of evidence for carcinogenicity in studies conducted in rats and mice.

Specific information on the studies received and the nature of the adverse effects caused by rimsulfuron as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document entitled, ''SUBJECT: Rimsulfuron. Human Health Risk Assessment in Support of a Petition (PP#6E8496) for the Establishment of Permanent Tolerances on Tuberous and Corm Vegetable Subgroup 1C, Small Vine Climbing Fruit Except Fuzzy Kiwifruit Subgroup 13–07F, Low Growing Berry Except Strawberry Subgroup 13–07H, Tolerances with Regional Registrations for Ryegrass and Fescue and Crop Group Conversions for Citrus Fruit Group 10–10, Pome Fruit Group 11–10, Stone Fruit Group 12–12, and Tree Nut Group 14–12,'' dated May 5, 2017 at pp. 31–34 in docket ID number EPA–HQ–OPP–2016–0516.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for rimsulfuron used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR RIMSULFURON FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute Dietary (All populations)	An endpoint attributable to a single dose was not identified in the database.		
Chronic dietary (All populations)	NOAEL= 11.8 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.118 mg/kg/day. cPAD = 0.118 mg/kg/day	Combined Chronic/Carcinogenicity—Rat. LOAEL = 121 mg/kg/day based on decreased body weight gains and liver effects.
Cancer (Oral, dermal, inhalation).	Rimsulfuron is considered ''not likely to be carcinogenic to humans'' due to the absence of tumors in the available rat and mouse carcinogenicity studies.		

FQPA SF = Food Quality Protection Act Safety Factor, NOAEL = no observed adverse effect level, LOAEL = lowest observed adverse effect level, PAD = population adjusted dose (a = acute, c = chronic) RfD = reference dose, LOC = level of concern, UF_A = extrapolation from animal to human (interspecies), UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to rimsulfuron, EPA considered exposure under the petitioned-for tolerances as well as all existing rimsulfuron tolerances in 40 CFR 180.478. EPA assessed dietary exposures from rimsulfuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for rimsulfuron; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed that rimsulfuron residues were present at tolerance levels in all commodities for which tolerances have been established and currently proposed, and 100 percent crop treated (PCT) with rimsulfuron.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that rimsulfuron does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue or PCT information in the dietary assessment for rimsulfuron. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for rimsulfuron in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of rimsulfuron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Pesticides in Flooded Applications Model (PFAM) and the Wisconsin cranberry (worst case) scenario to conduct an assessment of surface water exposure to total toxic residue (TTR) of rimsulfuron (PFAM model was developed specifically for regulatory applications to estimate exposure for pesticides used in flooded agriculture such as rice paddies and cranberry bogs) and Pesticide Root Zone Model Ground Water (PRZM GW) and the Tier I assessment for applications of rimsulfuron to corn in Wisconsin (worst case), the estimated drinking water concentrations (EDWCs) of rimsulfuron for acute exposures are estimated to be 9.59 parts per billion (ppb) for surface water and 22.2 ppb for ground water. Chronic exposures for non-cancer assessments are estimated to be 1.70 ppb for surface water and 19.7 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 19.7 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Rimsulfuron is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Rimsulfuron belongs to the class of pesticides known as sulfonylureas (SUs). The SUs share a core chemical structure with varying degrees of structural similarity. In addition, the SUs share a pesticidal mode of action (*i.e.,* the inhibition of acetolactate synthase (ALS)), although the function of ALS in humans is unknown and the relevance of this mode of action (MOA) in humans in unclear. Based on toxicity studies, the SUs do not share a common toxicological profile; instead the target organs vary among the class and are often unspecific, such as changes in body weight or general effects on the liver. Further dividing the SUs into subclasses based on the urea substituent did not result in a clear association of a target organ with any particular substructure.

Based on the weight of the evidence, considering the lack of common toxicological profile of the SUs, the uncertainty in the human relevance of ALS inhibition, and the lack of

mammalian MOA data, a testable hypothesis for a common mechanism of action cannot be identified. Therefore, the Agency concludes that no common mechanism of toxicity exists among these pesticides and a cumulative risk assessment (CRA) approach is not appropriate for this class of pesticides. For further explanation, see ''SUBJECT: Sulfonylureas: Screening Analysis of Toxicological Profiles to Consider Whether a Candidate Common Mechanism Group Can Be Established'', dated 9/9/2015, found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2016–0516.

For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA SF. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* In the developmental toxicity study in rats, no developmental toxicity was seen at the highest dose tested. In the developmental toxicity study in rabbits and in the 2-generation reproductive study in rats, developmental and offspring toxicity were seen only in the presence of maternal/systemic toxicity. There is no evidence of quantitative or qualitative increased susceptibility following pre- and/or postnatal exposures to rimsulfuron.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for rimsulfuron is complete.

ii. There is no indication that rimsulfuron is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or increased SF to account for neurotoxicity.

iii. There is no evidence that rimsulfuron results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. No acute toxicological endpoint was identified. The chronic dietary food and drinking water exposure assessment utilizes tolerance-level residues and 100 PCT information for all commodities. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to rimsulfuron in drinking water. These assessments will not underestimate the exposure and risks posed by rimsulfuron.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, rimsulfuron is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to rimsulfuron from food and water will utilize 1.5% of the cPAD for all infants less than 1 year old, the population group receiving the greatest exposure. There are no residential uses for rimsulfuron. Therefore, the chronic aggregate risk is the same as the chronic dietary risk and not of concern.

3. *Short- and intermediate-term risks.* Short- and intermediate-term aggregate exposures take into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD, no further assessment of short- or intermediate-term risk is necessary.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, rimsulfuron is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to rimsulfuron residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, DuPont method 15033 using high-performance liquid chromatography/electrospray ionization tandem mass spectrometry (HPLC/ESI–MS/MS), is available for determination of residues of rimsulfuron in petitioned-for commodities.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established MRLs for residues of rimsulfuron in/on any commodity associated with this action.

C. International Trade Considerations

In this final rule, EPA is establishing a crop subgroup tolerance for subgroup

1C (vegetable, tuberous and corm, subgroup 1C) at 0.10 ppm. This subgroup includes the commodity potato, for which a tolerance is currently set at 0.1 ppm. Setting a new tolerance at 0.10 ppm on potato as part of subgroup 1C has a theoretically trade restrictive effect on the import of potatoes, resulting from rounding to significant figures when quantifying residues of rimsulfuron, compared with the current tolerance of 0.1 ppm.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to promptly publish this action with the WTO. Although he subgroup 1C tolerance is being established at 0.10 ppm and is unlikely to impact trade, EPA is establishing an expiration date for the existing potato tolerance following publication of this rule in order to provide a six-month reasonable interval for producers in exporting countries to adapt the modified tolerance. Before that date, residues of rimsulfuron on potato will be permitted under the current tolerance of 0.1 ppm; after that date, residues will need to be in compliance with the new 0.10 ppm subgroup 1C tolerance level.

The tolerance level is appropriate based on available data and residues levels resulting from registered use patterns. The tolerance level for all subgroup 1C commodities is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods. None of the other tolerance actions taken in this rulemaking restrict permissible pesticide residues below currently allowed levels in the United States.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocation, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this unit, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA.

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

D. Revisions to Petitioned-For Tolerances

EPA is establishing the tolerance level for ''Berry, low growing, except strawberry, subgroup 13–07H'' at 0.02 ppm, instead of 0.01 ppm as requested, to fully account for residue loss in the field trial samples during freezer storage from the time of harvest to the time of analysis. Concurrent storage stability samples indicate that as much as half of the residue present in the samples may have been lost between the time of harvest and the time of analysis; therefore, 0.02 ppm (twice LOQ) was selected as the appropriate tolerance for subgroup 13–07H. In addition, the tolerance for subgroup 1C is being established as 0.10 ppm rather than 0.1 ppm to conform with the Agency's practice of using two significant figures.

V. Conclusion

Therefore, tolerances are established for residues of rimsulfuron, N-[[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide, to be determined by measuring only rimsulfuron, in or on Berry, low growing, except strawberry, subgroup 13–07H at 0.02 ppm; Fruit, citrus, group 10–10 at 0.01 ppm; Fruit, pome, group 11–10 at 0.01 ppm; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.01 ppm; Fruit, stone, group 12–12 at 0.01 ppm; Nut, tree, group 14–12 at 0.01 ppm; Vegetable, tuberous and corm, subgroup 1C at 0.10 ppm; and tolerances with regional restriction on Fescue, forage at 0.01 ppm; Fescue, hay at 0.01 ppm; Ryegrass, perennial, forage at 0.01 ppm; and Ryegrass, perennial, hay at 0.01 ppm. In addition, the Agency is removing the existing tolerances for ''fruit, citrus, group 10'', ''fruit, pome, group 11'', ''fruit, pome, group 12'', ''grape'', ''nut, tree, group 14'', and ''pistachio'' since they are superseded by the tolerances being established in this action. Finally, the Agency is establishing a six-month expiration date for the existing ''potato'' tolerance at 0.1 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 22, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.478:

■ i. Remove the entries for ''Fruit, citrus group 10''; ''Fruit, pome, group 11''; ''Fruit, stone, group 12''; ''Grape''; ''Nut, tree, group 14''; and ''Pistachio'' from the table in paragraph (a).

■ ii. Add alphabetically the entries to the table in paragraph (a) ''Berry, low growing, except strawberry, subgroup 13–07H''; ''Fruit, citrus, group 10–10''; ''Fruit, pome, group 11–10''; ''Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F''; ''Fruit, stone, group 12–12''; and ''Nut, tree, group 14–12''.

■ iii. Revise the entry for ''Potato'' in the table in paragraph (a).

■ iv. Add alphabetically the entry to the table in paragraph (a) ''Vegetable, tuberous and corm, subgroup 1C''.

■ v. Add footnote 1 to the table in paragraph (a).

■ vi. Revise paragraph (c).

The additions and revisions read as follows:

§ 180.478 Rimsulfuron; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * * * *	
Berry, low growing, except strawberry, subgroup 13–07H	0.02
* * * * * * *	
Fruit, citrus, group 10–10	0.01
Fruit, pome, group 11–10	0.01
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	0.01
Fruit, stone, group 12–12	0.01
* * * * * * *	
Nut, tree, group 14–12	0.01
* * * * * * *	
Potato [1]	0.1
* * * * * * *	
Vegetable, tuberous and corm, subgroup 1C	0.10

[1] This tolerance expires on August 12, 2018.

* * * * *

(c) *Tolerances with regional registrations.* Tolerances with regional registrations, as defined in § 180.1(1), are established for residues of the herbicide rimsulfuron, including its metabolites and degradates, in or on the commodities in the following table. Compliance with the tolerance levels specific in the following table is to be determined by measuring only rimsulfuron, N-[[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide.

Commodity	Parts per million
Fescue, forage	0.01
Fescue, hay	0.01
Ryegrass, perennial, forage	0.01
Ryegrass, perennial, hay	0.01

* * * * *

[FR Doc. 2018–02676 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2017–0381; FRL–9974–25–Region 5]

Ohio: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting the State of Ohio Final Authorization of the requested changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as set forth below. The Agency published a proposed rule on September 15, 2017 and provided opportunity for public comment. EPA received no comments. No further opportunity for comment will be provided. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization.

DATES: The final authorization is effective on February 12, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R05–RCRA–2017–0381. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some of the 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy. You may view and copy Ohio's application from 9 a.m. to 4 p.m. at the following addresses: U.S. EPA Region 5, LR–17J, 77 West Jackson Boulevard, Chicago, Illinois 60604, contact: Gary Westefer (312) 886–7450; or Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, contact: Katherine (Kit) Arthur (614) 644–2932.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Ohio Regulatory Specialist, U.S. EPA Region 5, LR–17J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450, email *westefer.gary@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States which have received final authorization from EPA under RCRA Section 3006(b) of RCRA, 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and request EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273 and 279.

B. What decisions have we made in this rule?

We conclude that Ohio's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are granting Ohio final authorization to operate its hazardous waste program with the changes described in the authorization application. Ohio will have responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Ohio, including issuing permits, until the state is granted authorization to do so.

C. What is the effect of this final rule?

This final rule requires all facilities in Ohio that are subject to RCRA to comply with the newly-authorized state requirements instead of the equivalent Federal requirements. Ohio has enforcement responsibilities under its state hazardous waste program for RCRA violations, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include among others, authority for EPA to:

1. Conduct inspections which may include but are not limited to requiring monitoring, tests, analyses and/or reports;

2. Enforce RCRA requirements which may include but are not limited to suspending, terminating, modifying and/or revoking permits; and

3. Take enforcement actions regardless of whether the state has taken its own actions.

The action to approve these revisions will not impose additional requirements on the regulated community because the regulations for which Ohio is requesting authorization are already effective under state law, and will not be changed by the act of authorization.

D. Proposed Rule

On September 15, 2017 (82 FR 43316), EPA proposed to authorize these changes to Ohio's hazardous waste program and opened the decision to public comment. The Agency received no comments on this proposal. EPA has determined that Ohio's application satisfies the requirements for authorization set forth in RCRA Section 3006(b) and 40 CFR part 271.

E. What RCRA authorization has EPA previously granted Ohio to implement?

Ohio initially received final authorization on June 28, 1989, effective June 30, 1989 (54 FR 27170, June 28, 1989) to implement the RCRA hazardous waste management program. Subsequently the EPA granted authorization for changes to the Ohio program effective June 7, 1991 (56 FR 14203, April 8, 1991) as corrected June 19, 1991, effective August 19, 1991 (56 FR 28088); effective September 25, 1995 (60 FR 38502. July 27, 1995); effective December 23, 1996 (61 FR 54950, October 23, 1996); effective January 24, 2003 (68 FR 3429, January 24, 2003); effective January 20, 2006, (71 FR 3220, January 20, 2006); effective October 29, 2007, (72 FR 61063, October 29, 2007), and effective March 19, 2012 (77 FR 25966, March 19, 2012).

F. What changes are we proposing with today's action?

On June 13, 2017, Ohio submitted a final program revision application, seeking authorization of changes in accordance with 40 CFR 271.21. We have determined that Ohio's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final Authorization. Therefore, we are granting Ohio Final Authorization for the following program changes (a table with the complete state analogues is provided in the September 15, 2017 proposed rule):

Deferral of LDR Phase IV Standards for PCB's as a Constituent Subject to Treatment

in Soil, Checklist 190, December 26, 2000, 65 FR 81373.

Zinc Fertilizers Made from Recycled Hazardous Secondary Materials, Checklist 200, July 24, 2002, 67 FR 48393.

Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium, Mercury, and Silver Containing Batteries, Checklist 201, October 7, 2002, 67 FR 62617.

Hazardous Waste Management System: Modification of the Hazardous Waste Program: Mercury Containing Equipment, Checklist 209, August 5, 2005, 70 FR 45507.

Resource Conservation and Recovery Act Burden Reduction Initiative, Checklist 213, April 4, 2006, 71 FR 16861.

Hazardous Waste Management System: Modification of the Hazardous Waste Program: Cathode Ray Tubes, Checklist 215, July 28, 2006, 71 FR 42927.

Regulation of Oil-Bearing Hazardous Secondary Materials from the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas, Checklist 216, January 2, 2008, 73 FR 57.

NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments, Checklist 217, April 8, 2008, 73 FR 18970.

Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Amendment to Hazardous Waste Code F 019, Checklist 218, June 4, 2008, 73 FR 31756.

Standards Applicable to Generators of Hazardous Waste: Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities, Checklist 220, December 1, 2008, 73 FR 72991.

Equivalent State Initiated Changes:

State Initiated Change: Manifest Rules, Ohio rules amended per request of an EPA memorandum dated May 14, 2007, regarding manifest rule errors.

State Initiated Change: Performance Track, Ohio rules amended per an EPA memorandum dated March 16, 2009, that ended the Performance Track Program.

State Initiated Change: Hazardous Waste and Used Oil: Corrections to 40 CFR, Hazardous Waste and Used Oil: Corrections to 40 CFR (Additional corrections from Checklist 214).

State Initiated Changes: Ohio Rules Reviewed per Ohio Revised Code 119.032, State Initiated Changes (housekeeping).

G. Which revised State rules are different from the Federal rules?

Ohio has excluded the non-delegable federal requirements at 40 CFR 268.5, 268.6, 268.42(b), 268.44, and 270.3. EPA will continue to implement those requirements.

Only recently receiving the statutory authority, Ohio has not adopted the rules for Subparts AA, BB and CC of 40 CFR part 264. Until Ohio is authorized for such rules, the federal rules at 40 CFR part 264 subpart AA, BB and CC and Part 265 subpart AA, BB and CC, which are promulgated under HSWA, still apply in Ohio. On July 14, 2006, U.S. EPA issued a rule making several hundred corrections to errors that had appeared in the *Code of Federal Regulations* (checklist 214). Ohio broke these corrections into several rule makings. Ohio was authorized for several of these rule corrections on March 19, 2012. In addition, a number of the corrections had already been made in the state rules. This action authorizes several more of the corrections that appear in the EPA rulemaking of July 14, 2006.

Broader in Scope Rules:

Ohio recently promulgated regulations adding Antifreeze, Aerosol Cans and Paint Wastes to its list of Universal Wastes and now regulates such wastes under state law. Ohio EPA's application did not include these additions, however, and EPA does not address them in this action.

H. Who handles permits after the final authorization takes effect?

Ohio will issue permits for the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issues prior to the effective date of the proposed authorization until they expire or are terminated. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of the authorization. EPA will continue to implement and issue permits for HSWA requirements for which Ohio is not yet authorized.

I. How does today's action affect Indian Country (18 U.S.C. 1151) in Ohio?

Ohio is not authorized to carry out its hazardous waste program in ''Indian Country,'' as defined in 18 U.S.C. 1151. Indian Country includes:

1. All lands within the exterior boundaries of Indian Reservations within or abutting the State of Ohio;

2. Any land held in trust by the U.S. for an Indian tribe; and

3. Any other land, whether on or off an Indian reservation that qualifies as Indian Country.

Therefore, this action has no effect on Indian Country. EPA retains the authority to implement and administer the RCRA program on these lands.

J. What is codification and is EPA codifying Ohio's hazardous waste program as authorized in this rule?

Codification is the process of placing the state's statutes and regulations that comprise the state's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized state rules in 40 CFR part 272. Ohio's authorized rules, up to and including those revised June 7, 1991, have previously been codified through the incorporation-by-reference effective February 4, 1992 (57 FR 4162). We reserve the amendment of 40 CFR part 272, subpart KK for the codification of Ohio's program changes until a later date.

L. Statutory and Executive Order Reviews

This final rule only authorizes hazardous waste requirements pursuant to RCRA 3006 and imposes no requirements other than those imposed by state law (see **SUPPLEMENTARY INFORMATION**, Section A. Why are Revisions to State Programs Necessary?). Therefore, this rule complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 18266: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

The Office of Management and Budget has exempted this rule from its review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821 January 21, 2011).

2. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

3. Regulatory Flexibility Act

This rule authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those required by state law. Accordingly, I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

4. Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

5. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) does not apply to this proposed rule because it will not have federalism implications (*i.e.,* substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government).

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

Executive Order 13175 (65 FR 67249, November 9, 2000) does not apply to this rule because it will not have tribal implications (*i.e.,* substantial direct effects on one or more Indian tribes, or 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).

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

This rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866 and because the EPA does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action as defined in Executive Order 12866.

9. National Technology Transfer Advancement Act

EPA approves state programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a state program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply to this proposed rule.

10. Executive Order 12988

As required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

11. Executive Order 12630: Evaluation of Risk and Avoidance of Unanticipated Takings

EPA has complied with Executive Order 12630 (53 FR 8859, March 18, 1988) by examining the takings implications of these rules in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order.

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

Because this rulemaking proposes authorization of pre-existing state rules and imposes no additional requirements beyond those imposed by state law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994).

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

This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as today's final authorization of Ohio's revised hazardous program under RCRA are exempted under Executive Order 12866.

14. Congressional Review Act

EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until sixty (60) days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final authorization will be effective February 12, 2018.

List of Subjects in 40 CFR Part 271

Environmental protection; Administrative practice and procedure; Confidential business information; Hazardous materials transportation; Hazardous waste; Indians—lands; Intergovernmental relations; Penalties; Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: January 23, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–02811 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 11

[Docket No. FWS–HQ–LE–2017–0097; FF09L00200–FX–LE18110900000]

RIN 1018–BC05

Civil Penalties; 2018 Inflation Adjustments for Civil Monetary Penalties

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is issuing this final rule, in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) and Office of Management and Budget (OMB) guidance, to adjust for inflation the statutory civil monetary penalties that may be assessed for violations of Service-administered statutes and their implementing regulations. We are required to adjust civil monetary penalties annually for inflation according to a formula specified in the Inflation Adjustment Act. This rule replaces the previously issued amounts with the updated amounts after using the 2018 inflation adjustment multiplier provided in the OMB guidance.

DATES: This rule is effective February 12, 2018.

ADDRESSES: This rule may be found on the internet at *http://www.regulations.gov* in Docket No. FWS–HQ–LE–2017–0097. The previous rulemaking actions related to this rule and described below in **SUPPLEMENTARY INFORMATION** may be found at *http://www.regulations.gov* in Docket Nos. FWS–HQ–LE–2017–0001 and FWS–HQ–LE–2016–0045.

FOR FURTHER INFORMATION CONTACT: Neil Gardner, Special Agent in Charge, Branch of Investigations, U.S. Fish and Wildlife Service, Office of Law Enforcement, (703) 358–1949.

SUPPLEMENTARY INFORMATION:

Background

The regulations in title 50 of the Code of Federal Regulations at 50 CFR part 11 provide uniform rules and procedures for the assessment of civil penalties resulting from violations of certain laws and regulations enforced by the Service.

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (sec. 701 of Pub. L. 114–74) (Inflation Adjustment Act). The Inflation Adjustment Act requires Federal agencies to adjust the level of civil monetary penalties with an initial ''catch up'' adjustment through rulemaking and then make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

Under Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Inflation Adjustment Act, Public Law 114–74, 129 Stat. 584 (2015), each Federal agency is required to issue regulations adjusting for inflation the statutory civil monetary penalties (civil penalties) that can be imposed under the laws administered by that agency. The Inflation Adjustment Act provided for an initial ''catch up adjustment'' to take effect no later than August 1, 2016, followed by subsequent adjustments to be made no later than January 15 every year thereafter. This final rule adjusts the civil penalty amounts that may be imposed pursuant to each statutory provision beginning on the date specified above in **DATES**.

On June 28, 2016, the Service published in the **Federal Register** an interim rule that revised 50 CFR part 11 (81 FR 41862). We did not receive any comments on the interim rule during the public comment period provided. Therefore, the interim rule became effective on July 28, 2016, as specified in that rule. The Service subsequently published a final rule on December 23, 2016, adopting the interim rule as final (81 FR 94274). On January 19, 2017, the Service published a final rule updating the civil penalty amounts with the 2017 inflation multiplier (82 FR 6307). This final rule adjusts the civil monetary penalty amounts that were listed in the January 19, 2017, final rule and subsequently codified at 50 CFR 11.33 by using the 2018 inflation multiplier provided to all Federal agencies by OMB (see below).

OMB issued a memorandum, M–18–03, entitled ''Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' which provides the cost-of-living adjustment multiplier for 2018: 1.02041. Therefore, we multiplied each penalty in the table published in the final rule on January 19, 2017 (82 FR 6307), by 1.02041 to obtain the 2018 annual adjustment. The new amounts are reflected in the table in the rule portion of this document and replace the current amounts in 50 CFR 11.33.

Required Determinations

In this final rule, we are affirming our required determinations made in the June 28, 2016, interim rule (81 FR 41862); for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see that rule:

National Environmental Policy Act (42 U.S.C. 4321 *et seq.*);

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2));

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*);

Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*);

Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563; and

Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

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

Administrative Procedure Act

As stated above, under Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Inflation Adjustment Act, Public Law 114–74, 129 Stat. 584 (2015), each Federal agency is required to issue regulations adjusting for inflation the statutory civil monetary penalties that can be imposed under the laws administered by that agency. The Inflation Adjustment Act provided for an initial ''catch up adjustment'' to take effect no later than August 1, 2016, followed by subsequent adjustments to be made no later than January 15 every year thereafter. This final rule adjusts the civil penalty amounts that may be imposed pursuant to each statutory provision beginning on the effective date of this rule. To comply with the Inflation Adjustment Act, we are issuing these regulations as a final rule.

Section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for prior public comment. The Service finds that providing for public comment before issuing this rule is unnecessary as this rulemaking is a nondiscretionary action. The Service is required to publish this rule in order to update the civil penalty amounts by the specified formula described above. The Service has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Since this update to the January 19, 2017, final rule (82 FR 6307) is merely ministerial, we find that pre-publication notice and public comment with respect to the revisions set forth in this rule is unnecessary. We also believe that we have good cause under 5 U.S.C. 553(d) to make this rule effective upon publication to meet the statutory deadline imposed by the Inflation Adjustment Act.

List of Subjects in 50 CFR Part 11

Administrative practice and procedure, Exports, Fish, Imports, Penalties, Plants, Transportation, Wildlife.

Regulation Promulgation

For the reasons described above, we amend part 11, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below.

PART 11—CIVIL PROCEDURES

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 470aa–470mm, 470aaa–470aaa–11, 668–668d, 1361–1384, 1401–1407, 1531–1544, 3371–3378, 4201–4245, 4901–4916, 5201–5207, 5301–5306; 18 U.S.C. 42–43; 25 U.S.C. 3001–3013; and Sec. 107, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

■ 2. Revise the table in § 11.33 to read as follows:

§ 11.33 Adjustments to penalties.

* * * * *

Law	Citation	Type of violation	Maximum civil monetary penalty
(a) African Elephant Conservation Act	16 U.S.C. 4224(b)	Any violation	$10,260
(b) Bald and Golden Eagle Protection Act	16 U.S.C. 668(b)	Any violation	12,964
(c) Endangered Species Act of 1973	16 U.S.C. 1540(a)(1)	(1) Knowing violation of section 1538	51,302
		(2) Other knowing violation	24,625
		(3) Any other violation	1,296
(d) Lacey Act Amendments of 1981	16 U.S.C. 3373(a)	(1) Violations referred to in 16 U.S.C. 3373(a)(1)	25,928
		(2) Violations referred to in 16 U.S.C. 3373(a)(2)	648
(e) Marine Mammal Protection Act of 1972	16 U.S.C. 1375	Any violation	25,928
(f) Recreational Hunting Safety Act of 1994	16 U.S.C. 5202(b)	(1) Violation involving use of force or violence or threatened use of force or violence.	16,499
		(2) Any other violation	8,249
(g) Rhinoceros and Tiger Conservation Act of 1998.	16 U.S.C. 5305a(b)(2)	Any violation	18,049
(h) Wild Bird Conservation Act	16 U.S.C. 4912(a)(1)	(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911.	43,488
		(2) Violation of section 4910(a)(3)	20,874
		(3) Any other violation	870

Jason Larrabee,

Principal Deputy Assistant Secretary, Fish and Wildlife and Parks, Exercising the Authority of the Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 2018–02769 Filed 2–9–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 160808696–7010–02]

RIN 0648–BH38

2017 Tribal Fishery Allocations for Pacific Whiting; Reapportionment Between Tribal and Non-Tribal Sectors; Widow Rockfish Reapportionment in the Pacific Whiting Fishery

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

ACTION: Temporary rule; reapportionment of tribal Pacific whiting allocation and widow rockfish allocation.

SUMMARY: This document announces the reapportionment of 41,000 metric tons (mt) of Pacific whiting from the tribal allocation to the non-tribal commercial fishery sectors via automatic action on September 15, 2017, in order to allow full utilization of the Pacific whiting resource, and the reapportionment of 47 mt of widow rockfish in the Pacific whiting fishery via automatic action on August 30, 2017. The reapportionment of widow rockfish from the Mothership Cooperative to the Catcher Processor Cooperative was necessary to prevent the Catcher Processor Cooperative from reaching its quota for widow rockfish early, thereby closing the fishery before the end of the season and preventing attainment of their Pacific whiting allocation.

DATES: The reapportionment of Pacific whiting was applicable from 12 p.m. Pacific standard time, September 15, 2017, until December 31, 2017. The reapportionment of widow rockfish was applicable from 8 p.m. Pacific standard time, August 30, 2017, until December 31, 2017. Comments will be accepted through February 26, 2018.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2017–0136 by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal at *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0136,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Barry A. Thom., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Keeley Kent.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Keeley Kent (West Coast Region, NMFS), phone: 206–526–4655 or email: *Keeley.Kent@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This notification is accessible via the internet at the Office of the Federal Register's website at *http://www.gpo.gov/fdsys/search/home.action.* Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/.*

Background

Pacific Whiting

Pacific whiting (*Merluccius productus*) is a very productive species with highly variable recruitment (the biomass of fish that mature and enter the fishery each year) and a relatively short life span when compared to other groundfish species. Pacific whiting has the largest (by volume) annual allowable harvest levels of the more than 90 groundfish species managed under the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. The coastwide Pacific whiting stock is managed jointly by the United States (U.S.) and Canada, and mature Pacific whiting are commonly available to vessels operating in U.S. waters from April through December. Background on the stock assessment for and the establishment of the 2017 Total Allowable Catch (TAC) for Pacific whiting is provided in the

final rule for the 2017 Pacific whiting harvest specifications, published May 8, 2017 (82 FR 21317). Pacific whiting is allocated to the Pacific Coast treaty tribes (tribal fishery), and to three non-tribal commercial sectors: The Catcher Processor cooperative (C/P Coop), the Mothership Cooperative (MS Coop), and the Shorebased Individual Fishery Quota (IFQ) Program.

This notification announces the reapportionment of 41,000 mt of Pacific whiting from the tribal allocation to the non-tribal commercial sectors on September 15, 2017. Regulations at § 660.131(h) contain provisions that allow the Regional Administrator to reapportion Pacific whiting from the tribal allocation, specified at § 660.50, that will not be harvested by the end of the fishing year to other sectors.

Pacific Whiting Reapportionment

For 2017, the Pacific Coast treaty tribes were allocated 77,251 mt of Pacific whiting. The best available information in early September 2017 indicated that there had been no annual harvest by the tribes to date, and at least 41,000 mt of the tribal allocation would not be harvested by December 31, 2017. To allow for increased utilization of the resource, NMFS reapportioned 41,000 mt on September 15, 2017 from the Tribal fisheries to the Shorebased IFQ Program, C/P Coop, and MS Coop. The reapportionment occurred in proportion to each sector's original allocation. Reapportioning this amount was expected to allow for greater attainment of the TAC while not limiting tribal harvest opportunities for the remainder of the year. On September 15, 2017, emails sent directly to fishing businesses and individuals, and postings on the West Coast Region's internet site were used to provide actual notice to the affected fishers. Reapportionment was effective the same day as the notice.

Amounts of Pacific whiting available for 2017 before and after the reapportionment were:

Sector	Initial 2017 allocation (mt)	2017 allocation (mt) after September 15, 2017
Tribal	77,251	36,251
C/P Coop	123,312	137,252
MS Coop	87,044	96,884
Shorebased IFQ Program	152,327	169,547

Widow Rockfish

Widow rockfish (*Sebastes entomelas*) range from Albatross Bank off Kodiak Island, Alaska to Todos Santos Bay, Baja California, Mexico. They are an important commercial species from British Columbia to central California. Off the West Coast of the U.S., widow rockfish are caught mostly in midwater trawls used to target Pacific whiting, although in recent years there's been a reemergence of the pelagic rockfish fishery for widow, chilipepper, and yellowtail. The widow stock is managed coastwide, and was declared overfished in 2001. As of the 2015 stock assessment the stock has been rebuilt to 75.1 percent depletion. Management uncertainty is low since widow rockfish is a trawl-dominant species and there is mandatory 100 percent observer coverage in the trawl IFQ fisheries.

In accordance with the FMP, the non-tribal limited entry groundfish trawl fishery is allocated 91 percent of the widow rockfish ACL with the remaining 9 percent going to non-tribal non-trawl commercial, and recreational fisheries. The allocation for widow rockfish is split between the at-sea and shorebased sectors in accordance with an allocation formula established under Amendment 21 to the FMP. Under this formula, the greater of 10 percent or 500 mt of the trawl fishery allocation is allocated to all Pacific whiting sectors (at-sea and shorebased) with the remainder going to the non-whiting portion of the Shorebased IFQ Program. Of the amount allocated to the Pacific whiting sectors, 42 percent is allocated to the Shorebased IFQ Program. This 42 percent is combined with the remainder that went to the non-whiting portion of the Shorebased IFQ Program to create a single allocation for the Shorebased IFQ Program. Further information on the 2017 allocations for widow rockfish is provided in the final rule for the 2017–2018 biennial specifications for the Pacific coast groundfish fishery, which published on February 7, 2017 (82 FR 9634).

This notification announces the reapportionment of 47 mt of widow rockfish from the C/P Coop allocation to the MS Coop that was effective on August 30, 2017. Regulations at § 660.60(d) contain provisions that allow the Regional Administrator to reapportion non-whiting groundfish species between the C/P and MS cooperatives.

Widow Rockfish Reapportionment

For 2017, the C/P Coop was allocated 411.2 mt of widow rockfish, while the MS Coop was allocated 290.3 mt. On August 14, 2017 the MS Coop submitted a cease fishing report to NMFS indicating that they do not intend to use 47 mt of their allocation of widow rockfish which is therefore available to redistribute to the C/P Coop. The MS Coop indicated that they will cease fishing for Pacific whiting for the remainder of 2017 upon harvesting all Pacific whiting quota available to that cooperative, or harvesting the remaining 243.3 mt of widow rockfish, whichever occurs first.

As of August 23, 2017, the best available information indicated that the MS Coop of the Pacific whiting fishery had taken only seven percent of its 2017 widow rockfish allocation of 290.3 mt. At the same time, the C/P Coop had taken more than 50 percent of its 2017 allocation of 411.2 mt. Therefore, on August 30, 2017, NMFS reapportioned 47 mt widow rockfish from the MS Coop to the C/P Coop. Emails sent directly to fishing businesses and individuals and postings on the West Coast Region's internet site on August 30, 2017, were used to provide actual notice to the affected fishers. Reapportionment was effective the same day as the notice.

Reapportionment of unused portions of non-whiting groundfish species between the MS Coop and the C/P Coop of the Pacific whiting fishery when participants in the one cooperative do not intend to harvest the remaining allocation, are described at § 660.150(c)(4)(ii). This reapportionment was expected to allow for the Pacific whiting fishery to continue for a longer period without the C/P Coop exceeding its 2017 allocation of widow rockfish and reduce the risk of the C/P Coop not attaining its Pacific whiting allocation based on incidental catch of widow rockfish.

Amounts of widow rockfish available for 2017 before and after the reapportionment were:

Sector	Initial 2017 allocation (mt)	2017 allocation (mt) after August 30, 2017
MS Coop	290.3	243.3
C/P Coop	411.2	458.2
Shorebased IFQ Program	508.0	508.0

Classification

The Assistant Administrator for NMFS's Sustainable Fisheries finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B) because such notification would be impracticable and contrary to the public interest. As previously noted, actual notice of the reapportionments was provided to fishers at the times of the actions. Prior notice and opportunity for public comment on these reapportionments was impracticable because NMFS had insufficient time to provide prior notice and the opportunity for public comment between the time the information about the progress of the fishery needed to make this determination became available and the time at which fishery modifications had to be implemented in order to allow fishers access to the available fish during the remainder of the fishing season. For the same reasons, the AA also finds good cause to waive the 30-day delay in effectiveness for these actions, required under 5 U.S.C. 553(d)(3).

These actions are authorized by §§ 660.55(i), 660.60(d), 660.131(h), and 660.150(c)(4)(ii) and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

Dated: February 7, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–02752 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 29
Monday, February 12, 2018

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1217

[Document No. AMS–SC–17–0072]

Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notification of referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible domestic (U.S.) manufacturers and importers of softwood lumber to determine whether they favor continuance of the Agricultural Marketing Service's (AMS) regulations regarding a national softwood lumber research and promotion program.

DATES: The referendum will be conducted by mail ballot from April 17 through May 14, 2018. Ballots must be received by the referendum agents no later than the close of business on May 14, 2018, to be counted.

ADDRESSES: Copies of the softwood lumber program may be obtained from: Referendum Agent, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244, telephone: (202) 720–9915; facsimile: (202) 205–2800; or contact Maureen Pello at (503) 632–8848 or via electronic mail: *Maureen.Pello@ams.usda.gov*.

FOR FURTHER INFORMATION CONTACT: Maureen Pello, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915, (503) 632–8848 (direct line); facsimile: (202) 205–2800; or electronic mail: *Maureen.Pello@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425) (1996 Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order (7 CFR part 1217) is favored by eligible domestic manufacturers and importers of softwood lumber. The program is authorized under the 1996 Act.

The representative period for establishing voter eligibility for the referendum shall be the period from January 1 through December 31, 2017. Persons who domestically manufactured and shipped or imported 15 million board feet or more of softwood lumber during the representative period, were subject to assessments during that period, and are currently softwood lumber manufacturers or importers subject to assessment under the part are eligible to vote. Persons who received an exemption from assessments pursuant to § 1217.53 for the entire representative period are ineligible to vote. The referendum will be conducted by mail ballot from April 17 through May 14, 2018.

Section 518 of the 1996 Act (7 U.S.C. 7417) authorizes continuance referenda. Under § 1217.81(b), the U.S. Department of Agriculture (USDA) must conduct a referendum seven years after the program became effective to determine whether persons subject to assessment favor continuance of the program. The program took effect in 2011. USDA would continue the program if continuance is favored by a majority of the domestic manufacturers and importers voting in the referendum, who also represent a majority of the volume of softwood lumber represented in the referendum.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. It has been estimated that approximately 210 entities will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

Maureen Pello, Marketing Specialist, and Heather Pichelman, Director, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures at 7 CFR 1217.100 through 1217.108, which were issued pursuant to the 1996 Act, shall be used to conduct the referendum.

The referendum agents will mail the ballots to be cast in the referendum and voting instructions to all known, eligible domestic manufacturers and importers prior to the first day of the voting period. Persons who domestically manufactured and shipped or imported 15 million board feet or more of softwood lumber during the representative period, were subject to assessment during that period, and are currently softwood lumber domestic manufacturers or importers subject to assessment under the part are eligible to vote. Persons who received an exemption from assessments pursuant to § 1217.53 during the entire representative period are ineligible to vote. Any eligible domestic manufacturer or importer who does not receive a ballot should contact a referendum agent no later than one week before the end of the voting period. Ballots must be received by the referendum agent by 4:30 p.m. Eastern time, May 14, 2018, in order to be counted.

List of Subjects in 7 CFR Part 1217

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Promotion, Reporting and recordkeeping requirements, Softwood lumber.

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

Dated: February 2, 2018.

Bruce Summers,

Acting Administrator.

[FR Doc. 2018–02485 Filed 2–9–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0093; Product Identifier 2017–CE–047–AD]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2017–11–03 for DG Flugzeugbau GmbH Model DG–500MB gliders that are equipped with a Solo 2625 02 engine modified with a fuel injection system following the instructions of Solo Kleinmoteren GmbH Technische Mitteilung (TM)/Service Bulletin (SB) 4600–3 ''Fuel Injection System'' and identified as Solo 2625 02i. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the connecting rod bearing resulting from too much load on the rod bearings from the engine control unit. This proposed AD adds DG Flugzeugbau GmbH Model DG–1000M gliders equipped with Solo 2625 02i engines to the applicability. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 29, 2018.

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

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

For service information identified in this proposed AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* internet: *http://aircraft.solo-online.com.* You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0093; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0093; Product Identifier 2017–CE–047–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued AD 2017–11–03, Amendment 39–18902 (82 FR 24015; May 25, 2017) (''AD 2017–11–03''). That AD required actions intended to address an unsafe condition on DG Flugzeugbau GmbH Model DG–500MB gliders and was based on mandatory continuing airworthiness information (MCAI) originated by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. That MCAI is EASA AD No.: 2016–0254, dated December 15, 2016, correction dated January 4, 2017 (referred to after this as ''the MCAI'').

Since we issued AD 2017–11–03, the FAA has now type certificated the DG Flugzeugbau GmbH Model DG–1000M glider and that glider model is equipped with a Solo 2625 02i engine. Since this model has the same engine, it is subject to the same unsafe condition in AD 2017–11–03.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0093.

Related Service Information Under 1 CFR Part 51

Solo Kleinmotoren GmbH has issued Technische Mitteilung (English translation: Service Bulletin) Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016, approved for incorporation by reference on June 29, 2017 (82 FR 24015; May 25, 2017). The service information describes procedures for a software update that provides new settings to the engine control unit (ECU) to lower the load on the bearings of the crankshaft. 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 of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 6 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,020, or $170 per product.

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–18902 (82 FR 24015; May 25, 2017), and adding the following new AD:

DG Flugzeugbau GmbH: Docket No. FAA–2018–0093; Product Identifier 2017–CE–047–AD.

(a) Comments Due Date

We must receive comments by March 29, 2018.

(b) Affected ADs

This AD replaces AD 2017–11–03, Amendment 39–18902 (82 FR 24015; May 25, 2017) (''AD 2017–11–03'').

(c) Applicability

This AD applies to DG Flugzeugbau GmbH DG–500MB and DG–1000M gliders, all serial numbers, certificated in any category, that are equipped with Solo 2625 02 engines modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Service Bulletin (SB)/Technische Mitteilung (TM) 4600–3 ''Fuel Injection System'' and re-identified as Solo 2625 02i, or equipped with a Solo 2625 02i engine at manufacture, and have engine serial numbers (S/N) through 369/207, except engine S/N's 354/194, 356/196, 357/197, 358/198, 361/201, 362/202, 363/203, 364/204, and 368/206.

(d) Subject

Air Transport Association of America (ATA) Code 73: Engine fuel and control.

(e) Reason

This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. AD 2017–11–03 resulted from failure of the connecting rod bearing because of too much load on the rod bearings from the engine control unit. This AD results from the need to add an airplane model to the applicability. We are issuing this AD to prevent such failure that could lead to the potential of an in-flight shut-down and engine fire and result in loss of control and to include FAA type certificated DG Flugzeugbau GmbH Model DG–1000M gliders with Solo 2625 02i engines.

(f) Actions and Compliance

(1) *For DG Flugzeugbau GmbH Model DG–500MB gliders:* Unless already done, within the next 60 days after June 29, 2017 (the effective date of AD 2017–11–03), modify the engine by installing a software update for the engine control unit (ECU) following the actions in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

(2) *For DG Flugzeugbau GmbH Model DG–1000M gliders:* Unless already done, within the next 60 days after the effective date of this AD, modify the engine by installing a software update for the engine control unit (ECU) following the actions in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

(3) *For all gliders:* After the modification of an engine as required by paragraph (f)(1) or (f)(2) of this AD, do not install a replacement ECU on that engine and do not upload any software update to the ECU of that engine unless the ECU software version is as specified in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

(4) *For all gliders:* The Note in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016, stating ''the actions have to be accomplished by a certified maintenance organization and must be released to service accordingly'' is not applicable to this AD.

Note 1 to paragraph (f) of this AD: This service information contains German to English translation. The EASA used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren service information as it appears on the document.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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, Small Airplane Standards Branch, FAA; or the European Aviation Safety Agency (EASA).

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2016–0254, dated December 15, 2016, correction dated January 4, 2017, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0093. For service information related to this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* internet: *http://aircraft.solo-online.com.* You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 5, 2018.

Melvin J. Johnson,

Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–02608 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0104; Product Identifier 2017–CE–036–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2015–24–06, which applies to certain Gulfstream Aerospace Corporation Model GVI airplanes. AD 2015–24–06 requires repetitive breakaway torque checks and torqueing of the main landing gear (MLG) brake inlet self-sealing couplings and inserting a dispatch and takeoff limitation to the Limitations section of the airplane flight manual. Since we issued AD 2015–24–06, a modification of the MLG and brake assembly has been developed that when incorporated would terminate the need for the repetitive actions of AD 2015–24–06. This proposed AD would require modifying the MLG and brake assembly. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 29, 2018.

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

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

For service information identified in this NPRM, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31404–2206; telephone: (912) 965–3000; fax: (912) 965–3520; email: *pubs@gulfstream.com;* internet: *www.gulfstream.com.* You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0104; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Gideon Jose, Aerospace Engineer, Altanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: 404–474–5569; fax: 404–474–5606; email: *gideon.jose@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0104; Product Identifier 2017–CE–036–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We issued AD 2015–24–06, Amendment 39–18338 (80 FR 75788, December 4, 2015) (''AD 2015–24–06''), for certain Gulfstream Aerospace Corporation (Gulfstream) Model GVI airplanes. AD 2015–24–06 requires repetitive breakaway torque checks and torqueing of the MLG brake inlet self-sealing couplings. AD 2015–24–06 also requires inserting a dispatch and takeoff limitation to the Limitations section of the airplane flight manual to include procedures to follow if certain display indications occur. AD 2015–24–06 resulted from reports of the self-sealing couplings on the MLG brake inlet fitting backing out of the fully seated position. This unsafe condition could lead to loss of hydraulic pressure to the affected brake. We issued AD 2015–24–06 to detect and correct inadequate torque on the self-sealing couplings and prevent loss of braking capability on one or multiple brakes, which could lead to runway overrun or asymmetrical braking that could result in lateral runway excursion.

Actions Since AD 2015–24–06 Was Issued

Since we issued AD 2015–24–06, a modification for the MLG and brake assembly has been developed that eliminates the self-sealing coupling and uses a permanent hose design. This modification when incorporated would terminate the need for the repetitive breakaway torque checks and torqueing of the brake inlet self-sealing couplings.

Related Service Information Under 1 CFR Part 51

We reviewed Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017. For the applicable model designations, this service information describes procedures to modify the MLG and brake assemblies. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain none of the requirements of AD 2015–24–06. This proposed AD would require modifying the MLG with new tube assemblies without self-sealing couplings and add lock wire. This proposed AD would also require inspecting and modifying the brake assembly.

Differences Between This Proposed AD and the Service Information

Although Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017, both contain reporting requirements and return of certain parts to the manufacturer, this proposed AD does not include those requirements.

Costs of Compliance

We estimate that this proposed AD affects 162 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of brake hose assemblies, inspection of brake assembly attachment bolts, and modification of the brake assembly.	65.5 work-hours × $85 per hour = $5,567.50	$14,776	$20,343.5	$3,295,647

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

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–24–06, Amendment 39–18338 (80 FR 75788, December 4, 2015), and adding the following new AD:

Gulfstream Aerospace Corporation: Docket No. FAA–2018–0104; Product Identifier 2017–CE–36–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by March 29, 2018.

(b) Affected ADs

This AD replaces AD 2015–24–06, Amendment 39–18338 (80 FR 75788, December 4, 2015) (''AD 2015–24–06'').

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GVI airplanes, serial numbers 6001 and 6003 through 6163, certificated in any category.

Note 1 to paragraph (c) of this AD: Model GVI airplanes are also referred to by the marketing designations G650 and G650ER.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

AD 2015–24–06 was prompted by reports of the main landing gear (MLG) self-sealing couplings on the MLG brake inlet fitting backing out of the fully seated position. This AD was prompted by the development of modifications that when incorporated would terminate the need for repetitive breakaway torque checks and torqueing of the brake

inlet self-sealing couplings. We are issuing this AD to prevent loss of braking capability on one or multiple brakes. The unsafe condition, if not addressed, could lead to runway overrun or asymmetrical braking that could result in lateral runway excursion.

(f) Compliance

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

(g) Modification of the MLG and MLG Brake Assemblies

(1) Within 6 months after the effective date of this AD, modify the MLG and brake assemblies following the Accomplishment Instructions in Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017.

(2) Although Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017, both contain reporting requirements and return of certain parts to the manufacturer, this proposed AD does not include those requirements.

(3) AD 2015–24–06 required a dispatch and takeoff limitation in the airplane flight manual. Although we did not retain that requirement in this AD, if not already removed, this limitation should be removed after the modification in paragraph (g)(1) of this AD is done.

(h) Credit for Previous Actions

If done before the effective date of this AD, this AD allows credit for the actions in paragraph (g) of this AD following Gulfstream G650 Customer Bulletin 155, dated July 29, 2016; and Gulfstream G650ER Customer Bulletin 155, dated July 29, 2016.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD.

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(3)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(j) Related Information

(1) For more information about this AD, contact Gideon Jose, Aerospace Engineer, Altanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: 404–474–5569; fax: 404–474–5606; email: *gideon.jose@faa.gov.*

(2) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31404–2206; telephone: (912) 965–3000; fax: (912) 965–3520; email: *pubs@gulfstream.com;* internet: *www.gulfstream.com.* You may view copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 5, 2018.

Melvin J. Johnson,

Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–02612 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0077; Product Identifier 2017–NM–126–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A319 and A320 series airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This proposed AD was prompted by reports of battery retaining rod failures due to quality defects of the material used during parts manufacturing. This proposed AD would require a detailed inspection of the battery retaining rods to identify the rod manufacturer, replacement of the battery retaining rods with serviceable rods if necessary, and the addition of the applicable service information label on each rod if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 29, 2018.

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

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

For service information identified in this NPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0077; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0077; Product Identifier 2017–NM–126–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider

all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0161R1, dated September 19, 2017; corrected September 20, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A319 and A320 series airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Several occurrences have been reported of battery rod failures on certain Airbus aeroplanes. Subsequent examination of broken rod parts determined that these failures were due to quality defects of the material used during parts manufacturing. Each battery is secured on an aeroplane by two rods. Failure of one rod, in case of severe turbulence during flight or hard landing, could lead to battery displacement, or roll on the remaining rod side, up to a point where the remaining rod could be disengaged. The battery could ultimately detach from its housing and damage relays, connectors, contactor boxes, air ducts and surrounding structure.
>
> This condition, if not detected and corrected, could lead to the loss of the normal electrical generation not followed by an automatic recovery of essential network.
>
> To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A92N001–16 (later revised) and EASA issued AD 2016–0204 [which corresponds to FAA AD 2016–25–24 (81 FR 90958, December 16, 2016)] requiring repetitive general visual inspections (GVI) of the four battery rods (two per battery), and, in case of findings, replacement of battery rods.
>
> Since that [EASA] AD was issued, the manufacturer of the broken battery retaining rods has been identified, which allows proper identification of the affected parts and their withdrawal from service. Consequently, Airbus issued [service bulletin] SB A320–92–1116 and SB A320–92–1118 to provide the necessary instructions to the affected operators. No rods delivered as spare parts are affected by the manufacturing issue.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2016–0204, which is superseded, and requires replacement of battery retaining rods depending on manufacturer identification. This [EASA] AD also provides a terminating action for the repetitive inspections.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0077.

Although the MCAI has superseded EASA AD 2016–0204, this NPRM would not supersede AD 2016–25–24. Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This NPRM would require a detailed inspection of the battery retaining rods to identify the rod manufacturer, replacement of the battery retaining rods with serviceable rods if necessary, and the addition of the applicable service information label on each rod if necessary. Accomplishment of the proposed actions would then terminate all requirements of AD 2016–25–24.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–92–1116, Revision 00, dated January 31, 2017; and Service Bulletin A320–92–1118, Revision 00, dated January 31, 2017. This service information describes a detailed inspection of the battery retaining rods to identify the rod manufacturer, replacement of the battery retaining rods with serviceable rods if necessary, and adding the applicable service information label on each rod if necessary. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 330 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$28,050

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

ON-CONDITION COSTS

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2018–0077; Product Identifier 2017–NM–126–AD.

(a) Comments Due Date

We must receive comments by March 29, 2018.

(b) Affected ADs

This AD affects AD 2016–25–24, Amendment 39–18750 (81 FR 90958, December 16, 2016) (''AD 2016–25–24'').

(c) Applicability

This AD applies to Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes, certificated in any category, as identified in Airbus Service Bulletin A320–92–1116, Revision 00, dated January 31, 2017; or Airbus Service Bulletin A320–92–1118, Revision 00, dated January 31, 2017.

(d) Subject

Air Transport Association (ATA) of America Code 92, Electrical system installation.

(e) Reason

This AD was prompted by reports of battery rod failures due to quality defects of the material used during parts manufacturing. We are issuing this AD to detect and correct broken battery retaining rods, which, in the event of a hard landing or severe turbulence, could cause the battery to detach from its housing, resulting in damage to other electrical equipment and surrounding structure. This condition could lead to loss of normal electrical power generation and subsequent inability to restore electrical power to essential airplane systems.

(f) Compliance

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

(g) Definition of a Serviceable Rod

For the purpose of this AD, a serviceable battery retaining rod is defined in paragraphs (g)(1) or (g)(2) of this AD.

(1) A battery retaining rod provided as a spare part by Airbus.

(2) A battery retaining rod previously fitted on a battery support assembly installed on an airplane manufacturer serial number that is not specified in Airbus Service Bulletin A320–92–1116, Revision 00, dated January 31, 2017 (for Airbus Model A319 and A320 series airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes); or Airbus Service Bulletin A320–92–1118, Revision 00, dated January 31, 2017 (for Airbus Model A320–251N and –271N airplanes).

(h) Identification of Affected Parts

Within 24 months after the effective date of this AD: Accomplish a detailed inspection of the battery retaining rods to identify the rod manufacturer, in accordance with the Accomplishment Instructions of the Airbus Service Bulletin A320–92–1116, Revision 00, dated January 31, 2017 (for Airbus Model A319 and A320 series airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes); or Airbus Service Bulletin A320–92–1118, Revision 00, dated January 31, 2017 (for Airbus Model A320–251N and –271N airplanes).

(i) Replacement of Affected Parts if Marking Is Found on Battery Support Assembly

If, during the inspection specified in paragraph (h) of this AD, the quality stamp on the battery support assembly is found marked with an ''SA'' manufacturer identification, before further flight, replace the battery retaining rods with serviceable rods, in accordance with the Accomplishment Instructions of the Airbus Service Bulletin A320–92–1116, Revision 00, dated January 31, 2017 (for Airbus Model A319 and A320 series airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes); or Airbus Service Bulletin A320–92–1118, Revision 00, dated January 31, 2017 (for Airbus Model A320–251N and –271N airplanes).

(j) Actions if No Marking Is Found on Battery Support Assembly

If, during the inspection specified in paragraph (h) of this AD, no marking is found on the quality stamp of the battery support assembly, add the applicable service information label on each battery retaining rod (replacement of the battery retaining rods is not required), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–92–1116, Revision 00, dated January 31, 2017 (for Airbus Model A319 and A320 series airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes); or Airbus Service Bulletin A320–92–1118, Revision 00, dated January 31, 2017 (for Airbus Model A320–251N and –271N airplanes).

(k) Parts Installation Prohibition

As of the effective date of this AD, no person may install, on any airplane, a non-serviceable battery retaining rod.

(l) Terminating Action

Replacement of all battery retaining rods marked ''SA'' with a serviceable rod as required by paragraph (i) of this AD, or application of service information label on each rod, as required by paragraph (j) of this AD, as applicable, constitutes terminating action for all requirements of AD 2016–25–24 for that airplane.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (n)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0161R1, dated September 19, 2017; corrected September 20, 2017; for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0077.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–1405; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02754 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1050; Product Identifier 2017–NE–39–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–710A2–20 and BR700–710C4–11 turbofan engines. This proposed AD was prompted by reports of deterioration of the intumescent heat resistant paint system on the electronic engine controller (EEC) firebox assembly that was found to be beyond acceptable limits. This proposed AD would require replacement of affected EEC firebox assembly parts with improved parts, which have a more durable paint system. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this NPRM by March 29, 2018.

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

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

For service information identified in this proposed AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33 7086 2673; fax: +49 (0) 33 7086 3276. You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759.

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–2017–1050; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Martin Adler, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1050; Product Identifier 2017–NE–39–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2017–0198, dated October 10, 2017 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Occurrences were reported where deterioration of an Electronic Engine Controller (EEC) firebox assembly

intumescent heat resistant paint system was found to be beyond acceptable limits. Subsequent investigation determined that lack of paint adhesion, due to incorrect surface preparation during manufacturing, had caused this deterioration.

This condition, if not corrected, could reduce the fire protection capability of the EEC firebox, possibly leading to reduced control of an engine during engine fire, engine overspeed and release of high-energy debris, resulting in damage to, and/or reduced control of, the aeroplane.

To address this potential unsafe condition, RRD issued Alert SB SB–BR700–73–A101977, SB–BR700–73–A101981 and SB–BR700–73–A101985 to provide modification instructions introducing improved new or reworked EEC firebox assembly parts, which have a more durable paint system.

For the reason described above, this AD requires replacement of affected EEC firebox assembly parts with improved parts.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1050.

Related Service Information

We reviewed RRD Alert Service Bulletin (ASB) SB–BR700–73–A101977, Revision 3, dated July 10, 2017; RRD ASB SB–BR700–73–A101981, Revision 3, dated July 10, 2017; and RRD ASB SB–BR700–73–A101985, Revision 3, dated July 10, 2017. The service information describes procedures for installing new or reworked EEC firebox assembly parts for BR700–710A2–20, BR700–710C4–11, and BR700–710C4–11/10 engines, respectively.

FAA's Determination

This product has been approved by the aviation authority of Germany, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require replacement of affected EEC firebox assembly parts with improved parts, which have a more durable paint system.

Costs of Compliance

We estimate that this proposed AD affects 842 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
EEC firebox assembly replacement	2.5 work-hours × $85 per hour = $212.50.	$4,900	$5,112.50	$4,304,725

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 engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce Deutschland GmbH (Type Certificate previously held by Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce GmbH): Docket No. FAA–2017–1050; Product Identifier 2017–NE–39–AD.

(a) Comments Due Date

We must receive comments by March 29, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to:

(1) Rolls-Royce Deutschland (RRD) BR700–710A2–20 turbofan engines with any of the following electronic engine controller (EEC) firebox assembly part numbers (P/Ns)

installed: FW42888, FW42886, FW38590, FW38591, or FW58255.

(2) RRD BR700–710C4–11 turbofan engines with any of the following EEC firebox assembly P/Ns installed: FW38504, FW38503, FW38590, FW38591, or FW58255.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of deterioration of the intumescent heat resistant paint system on the EEC firebox assembly that was found to be beyond acceptable limits. We are issuing this AD to prevent failure of the EEC. The unsafe condition, if not corrected, could result in failure of the EEC, loss of engine thrust control, and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 6 months after the effective date of this AD, perform the following:

(i) For RRD BR700–710A2–20 engines, remove from service the EEC firebox assembly components with P/N FW42888, FW42886, FW38590, FW38591, and FW58255 and replace with parts eligible for installation.

(ii) For RRD BR700–710C4–11 engines, remove from service the EEC firebox assembly components with P/N FW38504, FW38503, FW38590, FW38591, and FW58255 and replace with parts eligible for installation.

(2) Reserved.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Martin Adler, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

(2) Refer to MCAI EASA AD No. 2017–0198, dated October 10, 2017, for more information. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–1050.

Issued in Burlington, Massachusetts, on February 5, 2018.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–02600 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0783; Airspace Docket No. 17–AEA–13]

Proposed Revocation of Class E Airspace; Seven Springs, PA, and Somerset, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E airspace at Seven Springs, PA, as Seven Springs Borough Airport has been abandoned, and controlled airspace is no longer required. This proposal would also remove reference to the Seven Springs, PA, Class E airspace area from the Somerset County Airport, Somerset, PA, description, and update the geographic coordinates of Somerset County Airport to coincide with the FAA's database. This action would enhance the safety and management of controlled airspace within the national airspace system.

DATES: Comments must be received on or before March 29, 2018.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–0783; Airspace Docket No. 17–AEA–13, 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 on line 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

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 proposed 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 remove Class E airspace extending upward from 700 feet above the surface at Seven Springs Borough Airport, Seven Springs, PA, due to the closing of the airport.

Comments Invited

Interested persons are invited to comment on this 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 (FAA Docket No. FAA–2017–0783 and Airspace Docket No. 17–AEA–13) and be submitted in triplicate to the DOT Docket Operations (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2017–0783; Airspace Docket No. 17–AEA–13.'' 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. All comments submitted will be available for examination in the public docket both before and after the comment closing date. 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 from and comments submitted through *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 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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

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 considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to remove Class E airspace extending upward from 700 feet above the surface at Seven Springs Borough Airport, Seven Springs, PA, as the airport has been abandoned. Therefore, the airspace is no longer necessary. Also, this action would remove the words ''excluding that portion that coincides with the Seven Springs, PA, Class E airspace area'' from the regulatory text In Class E airspace extending upward from 700 feet above the surface for Somerset County Airport, Somerset, PA, and update the geographic coordinates of Somerset County Airport, to be in concert with the FAA's aeronautical database.

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. 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, will 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 would 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.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, 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 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, 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.

* * * * *

AEA PA E5 Seven Springs, PA [Removed]

AEA PA E5 Somerset, PA [Amended]

Somerset County Airport, PA
(Lat. 40°02′20″ N, long. 79°00′54″ W)
Stoystown NDB
(Lat. 40°05′09″ N, long. 78°55′00″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Somerset County Airport and within 3.1 miles each side of the 058° bearing from the Stoystown NDB extending from the 6.4-mile radius to 9.6 miles northeast of the NDB and 4 miles each side of the 236° bearing from the Somerset County Airport extending from the 6.4-mile radius to 9.5 miles southwest of the airport.

Issued in College Park, Georgia, on February 1, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–02556 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0994; Airspace Docket No. 17–ASO–21]

Proposed Amendment of Class D Airspace and Class E Airspace; Greenwood, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, and Class E surface area airspace at Greenwood-Leflore Airport, Greenwood, MS, by making an editorial change to the legal

descriptions replacing ''Airport-Facility Directory'' with the term ''Chart Supplement.'' This proposal also would remove the part-time Notice to Airmen (NOTAM) status from Class E airspace designated as an extension. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would update the geographic coordinates of the airport in the Class designations noted in this proposal to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before March 29, 2018.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor Rm. W12–140, Washington, DC 20590; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–0994; Airspace Docket No. 17–ASO–21, at the beginning of your comments. You may also submit and review received 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 on line 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

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 amend Class D and Class E airspace at Greenwood-Leflore Airport, Greenwood, MS, to ensure the safety and management of IFR operations at the airport.

Comments Invited

Interested persons are invited to comment on this rule 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. You may also submit comments through the internet at *http://www.regulations.gov*.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0994; Airspace Docket No. 17–ASO–21.'' 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 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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

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 considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace, Class E surface airspace, Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet or more above the surface of the earth at Greenwood-Leflore Airport, Greenwood, MS.

This action would make an editorial change replacing ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the legal descriptions of the Class D airspace and Class E surface airspace.

This action also would remove the NOTAM part-time status under Class E airspace designated as an extension at the airport. This action is for continued safety and management of IFR operations in the area. Additionally, the geographic coordinates of the airport would be adjusted in the associated class D and E airspace to coincide with the FAA's aeronautical database.

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, 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 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 Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO MS D Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS

(Lat. 33°29′39″ N, long. 90°05′05″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.4-mile radius of Greenwood-Leflore Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO MS E2 Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS

(Lat. 33°29′39″ N, long. 90°05′05″ W)

Within a 4.4-mile radius of Greenwood-Leflore Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO MS E4 Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS

(Lat. 33°29′39″ N, long. 90°05′05″ W)

Sidon VORTAC

(Lat. 33°27′50″ N, long. 90°16′38″ W)

That airspace extending upward from the surface within 1.4 miles each side of the Sidon VORTAC 079° radial, extending from the 4.4-miles radius of Greenwood-Leflore Airport to 4 miles east of the VORTAC.

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

* * * * *

ASO MS E5 Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS

(Lat. 33°29′39″ N, long. 90°05′05″ W)

Sidon VORTAC

(Lat. 33°27′50″ N, long. 90°16′38″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Greenwood-Leflore Airport and within 1.2 miles each side of the Sidon VORTAC 079° radial, extending from the 6.9-mile radius to 2 miles each of the VORTAC.

Issued in College Park, Georgia, on January 31, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–02555 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 170721692–8078–01]

RIN 0694–XC037

Request for Public Comments Regarding Controls on Energetic Materials, Armored and Protective ''Equipment'' and Military Electronics

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of Inquiry; request for comments.

SUMMARY: The Bureau of Industry and Security (BIS), Department of Commerce, is seeking public comments to perform a complementary review of items on the Commerce Control List concurrent with the Department of State's review of the controls implemented in its recent revisions of parts of the United States Munitions List (which control explosives and energetic materials, propellants, incendiary agents and their constituents; personal protective equipment; and military electronics), to ensure that the descriptions of these items on the CCL are clear, items for normal commercial use are not inadvertently controlled as military items on the USML, technological developments are accounted for on the control lists, and controls properly implement the national security and foreign policy objectives of the United States. This Notice of Inquiry also furthers the regulatory reform agenda directed by the President in Executive Order 13777.

DATES: Comments must be received by BIS no later than April 13, 2018.

ADDRESSES: Comments may be submitted through the Federal rulemaking portal (*http://www.regulations.gov*). The regulations.gov ID number for this rule is BIS–2018–0004. All comments (including any personally identifying information) will be made available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT:

For technical questions relating to the item. For questions regarding energetic materials (ECCNs 1B608, 1C608, 1D608 and 1E608) or personal protective equipment, shelters and related items (ECCNs 1A613, 1B613, 1D613 and 1E613), contact Joseph Giunta in the Office of National Security and Technology Transfer Controls, Electronics and Materials Division at (202) 482–3127 or *Joseph.Giunta@bis.doc.gov*. For questions relating to

military electronics (ECCNs 3A611, 3B611, 3D611 and 3E611), contact Brian Baker, Director, Electronics and Materials Division, Office of National Security and Technology Transfer Controls at (202) 482–5534 or *Brian.Baker@bis.doc.gov.* For questions relating to cryogenic and superconducting equipment (ECCNs 9A620, 9B620, 9D620 and 9E620), contact Michael Tu in the Office of National Security and Technology Transfer Controls, Sensors and Aviation Division at (202) 482–6462 or *Michael.Tu@bis.doc.gov.*

For licensing questions related to the item. For general questions regarding license applications for ''600 series'' ECCNs, contact Thomas DeFee or Christopher Williams in the Office of Strategic Industries and Economic Security, Munitions Control Division, at (202) 482–4506 or at *Thomas.DeFee@bis.doc.gov* or *Christopher.Williams@bis.doc.gov.* For ''600 series'' licenses regarding energetic materials (ECCNs 1B608, 1C608, 1D608 and 1E608) or personal protective equipment, shelters and related items (ECCNs 1A613, 1B613, 1D613 and 1E613), contact Kylie Gaskins, Munitions Control Division at (202) 482–3064 or *Kylie.Gaskins@bis.doc.gov.* For ''600 series'' licenses relating to military electronics (ECCNs 3A611, 3B611, 3D611 and 3E611) and cryogenic and superconducting equipment (ECCNs 9A620, 9B620, 9D620 and 9E620), contact Adam Duvall, Munitions Control Division at (202) 482–6534 or *Adam.Duvall@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS), Department of Commerce, maintains the Export Administration Regulations, including the Commerce Control List (CCL). The items controlled under the ''600 series'' entries on the CCL were previously controlled on the United States Munitions List (USML), which is part of the International Traffic in Arms Regulations (ITAR), maintained by the Department of State. These items, including energetic materials, armored and protective ''equipment'' and military electronics, were determined by the President to not warrant control on the USML.

Through this Notice of Inquiry (NOI), BIS is seeking public comments to perform a complementary review of energetic materials, armored and protective ''equipment'' and military electronics and related items therefor, on the CCL, concurrent with the Department of State's review of the controls implemented in its recent revisions to Categories V, X and XI of the USML (which control explosives and energetic materials, propellants, incendiary agents and their constituents, personal protective equipment, and military electronics), to ensure that the descriptions of these items on the CCL are clear, items for normal commercial use are not inadvertently controlled as military items on the USML, technological developments are accounted for on the control lists, and controls properly implement the national security and foreign policy objectives of the United States.

Specifically, BIS is soliciting comments on the clarity, usability and any other matters related to implementation of the ''600 series'' Export Control Classification Numbers (ECCNs) that control the following items, as well as certain items related thereto: energetic materials (ECCNs 1B608, 1C608, 1D608 and 1E608); armored and protective ''equipment'' (ECCNs 1A613, 1B613, 1D613, 1E613); military electronics (ECCNs 3A611, 3B611, 3D611 and 3E611); and cryogenic and superconducting equipment (ECCNs 9A620, 9B620, 9D620 and 9E620).

A core element of the transfer of certain articles on the USML to ''600 series'' ECCNs on the CCL has been the streamlining of categories on the USML, resulting in the control on the CCL of items that the President determines do not warrant USML control. On December 10, 2010, the Department of State provided notice to the public of its intent to revise the USML to create a more ''positive list'' that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, or design intent-based criteria (see 75 FR 76935). As a practical matter, this meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the export licensing jurisdiction of the EAR. Since that time, the Department of State has published final rules setting forth revisions for eighteen USML categories, each of which has been reorganized into a uniform and more ''positive list'' structure. In coordination with the Department of State, the Department of Commerce has published final rules that made corresponding revisions to the CCL by controlling items that the President has determined do not warrant control on the USML.

The advantage of revising the USML into a positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U.S. Government by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the ITAR, without inadvertently controlling items in normal commercial use. However, this approach requires that the USML and the CCL be regularly reviewed and updated to account for the following: technological developments; issues identified by exporters and reexporters involving the practical application of these controls; and changes in the military and commercial applications of items affected by the USML or by the corresponding ''600 series'' ECCNs on the CCL.

Consistent with the approach described above, this NOI requests public comments as part of a review of changes to the EAR that complements a similar review the Department of State is performing with respect to the ITAR. As discussed above, the Departments of State and Commerce reviews are being undertaken to follow up on sets of rules published by the Departments of State and Commerce. These rules implemented revisions to the following categories of the USML: Category V (explosives and energetic materials, propellants, incendiary agents and their constituents), effective July 1, 2014 (see 79 FR 34); Category X (protective personnel equipment), effective July 1, 2014 (see 79 FR 34); and Category XI (military electronics), effective December 30, 2014 (see 79 FR 37536). These rules also added the following ''600 series'' ECCNs to the CCL: ECCNs 1B608, 1C608, 1D608, 1E608, 1A613, 1B613, 1D613 and 1E613, effective July 1, 2014 (see 79 FR 264), and ECCNs 3A611, 3B611, 3D611, 3E611, 9A620, 9B620, 9D620 and 9E620, effective December 30, 2014 (see 79 FR 37551). The Department of State is seeking comments from the public on the condition and efficacy of the revised Categories V, X, and XI and whether they are meeting the objectives for the list revisions. BIS will make any changes to the CCL that it determines are necessary to complement revisions to the USML by the Department of State. In addition, through this NOI, BIS is independently seeking comments on how to improve the implementation of these ''600 series'' ECCNs on the CCL.

BIS is also seeking comments on potential cost savings to private entities from shifting control of specific commercial items from USML to the CCL. To the extent possible, please quantify the cost of compliance with USML control of commercial items, to include the time saved, the reduction in paperwork, and any other cost savings for a particular change.

Dated: January 31, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–02496 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice 9980; Docket Number DOS–2017–0017]

RIN 1400–AE46

Notice of Inquiry; Request for Comments Regarding Review of United States Munitions List Categories V, X, and XI

AGENCY: Department of State.

ACTION: Notice of Inquiry; request for comments.

SUMMARY: The Department of State requests comments from the public to inform its review of the controls implemented in recent revisions to Categories V, X, and XI of the United States Munitions List (USML). The Department periodically reviews USML categories to ensure that they are clear, do not inadvertently control items in normal commercial use, account for technological developments, and properly implement the national security and foreign policy objectives of the United States.

DATES: The Department will accept comments on the Notice of Inquiry up to April 13, 2018.

ADDRESSES: You may send comments, identified by docket number DOS–2017–0017, by any of the following methods:

- *Email: DDTCPublicComments@state.gov.* Include docket number DOS–2017 in the subject line with, ''Request for Comments Regarding Review of USML Categories V, X and XI.''
- *Internet:* At *www.regulations.gov* Follow the instructions for sending comments using docket number, DOS–2017–0017.

Comments submitted through *www.regulations.gov* will be visible to other members of the public; the Department will publish all comments on the Directorate of Defense Trade Controls website (*www.pmddtc.state.gov*). Therefore, commenters are cautioned not to include proprietary or other sensitive information in their comments.

FOR FURTHER INFORMATION CONTACT: Ms. Engda Wubneh, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–2816; email *wubnehem@state.gov.* ATTN: Request for Comments Regarding Review of USML Categories V, X and XI.

SUPPLEMENTARY INFORMATION:

List Review

On December 10, 2010, the Department provided notice to the public of its intent to revise the USML to create a ''positive list'' that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, catch-all, or design intent-based criteria (*see* 75 FR 76935). This meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the Export Administration Regulations. Since that time, the Department has published final rules setting forth revisions for 18 USML categories, each of which have been reorganized into a uniform and more positive list structure.

The advantage of revising the USML into a more positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U.S. government by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the International Traffic in Arms Regulations (ITAR), without inadvertently controlling items in normal commercial use. This approach, however, requires that the lists be regularly revised and updated to account for technological developments, practical application issues identified by exporters and reexporters, and changes in the military and commercial applications of items affected by the list.

This Notice of Inquiry is the third in a series of solicitations requesting feedback on revised USML categories. Previous Notices of Inquiry requested comments on Categories VIII and XIX (*see* 80 FR 11314) and Categories VI, VII, XIII, and XX (*see* 80 FR 61138). As indicated above, the subjects of this Notice of Inquiry are Categories V and X, which was most recently revised on January 2, 2014 (*see* 79 FR 34), and Category XI, which was most recently revised on July 1, 2014 (*see* 79 FR 37536). Additionally, the Department determined that it is in the interest of the security of the United States to temporarily revise USML Category XI paragraph (b), pursuant to the provisions of 22 CFR 126.2, while a long-term solution is developed. A recent final rule extends the July 2, 2015 modification (80 FR 78130) to August 30, 2018 to allow the U.S. government to review USML Category XI in full and publish proposed and final rules. As with previous inquiries, the Department seeks comment from the public on the condition and efficacy of these categories.

Request for Comments

The Department requests public comment on USML Categories V, X and XI. General comments on other aspects of the ITAR, to include other categories of the USML, are outside of the scope of this inquiry. In order to contribute effectively to the USML review process, all commenters are encouraged to provide comments that are responsive specifically to the prompts set forth below.

The Department requests comment on the following topics, as they relate to Categories V, X and XI:

1. Emerging and new technologies that are appropriately controlled by one of the referenced categories, but which are not currently described in subject categories or not described with sufficient clarity.

2. Defense articles that are described in subject categories, but which have entered into normal commercial use since the most recent revisions to the category at issue. For such comments, be sure to include documentation to support claims that defense articles have entered into normal commercial use.

3. Defense articles for which commercial use is proposed, intended, or anticipated in the next 5 years.

4. Drafting or other technical issues in the text of all of the referenced categories.

5. Comments regarding USML Category XI paragraph (b) modification.

6. Potential cost savings to private entities from shifting control of specific commercial items from USML to the Export Administration Regulations. To the extent possible, please quantify the cost of compliance with USML control

of commercial items, to include the time saved, the reduction in paperwork, and any other cost savings for a particular change.

The Department will review all comments from the public. If a rulemaking is warranted based on the comments received, the Department will respond to comments received in a proposed rulemaking in the **Federal Register**.

Richard Koelling,

Acting Director, Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2018–02495 Filed 2–9–18; 8:45 am]

BILLING CODE 4710–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA–R01–OAR–2018–0011; FRL–9974–28–Region 1]

Outer Continental Shelf Air Regulations; Consistency Update for Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to update a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by section 328(a)(1) of the Clean Air Act. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Massachusetts is the designated COA. The intended effect of approving the OCS requirements for the Massachusetts Department of Environmental Protection is to regulate emissions from OCS sources in accordance with the requirements for onshore sources. The Commonwealth of Massachusetts' requirements discussed in this document are proposed to be incorporated by reference into the Code of Federal Regulations and listed in the appendix to the OCS air regulations.

DATES: Written comments must be received on or before March 14, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2018–0011 at *http://www.regulations.gov,* or via email to *wortman.eric@epa.gov*. For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets*. Publicly available docket materials are available at *http://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Permitting, Toxics, and Indoor Programs Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Eric Wortman, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square (Mail Code OEP05–2), Boston, MA 02109, (617) 918–1624, *wortman.eric@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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II. EPA's Evaluation
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I. Background and Purpose

On September 4, 1992, the EPA promulgated 40 CFR part 55,[1] which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the CAA. The regulations at 40 CFR part 55 apply to all OCS sources offshore of the states except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the CAA requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that the EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to 40 CFR 55.12, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4; or (3) when a state or local agency submits a rule to the EPA to be considered for incorporation by reference in 40 CFR part 55. This proposed action is being taken in response to the submittal of a NOI on December 11, 2017 by Vineyard Wind, LLC. Public comments received in writing within 30 days of publication of this document will be considered by the EPA before publishing a final rule.

Section 328(a) of the CAA requires that the EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits the EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents the EPA from making substantive changes to the requirements it incorporates. As a result, the EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of the EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even

[1] The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by the EPA for inclusion in the SIP.

II. EPA's Evaluation

In updating 40 CFR part 55, the EPA reviewed the rules for inclusion in 40 CFR part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards and compliance with part C of title I of the CAA, that they are not designed expressly to prevent exploration and development of the OCS, and that they are potentially applicable to OCS sources. *See* 40 CFR 55.1. The EPA has also evaluated the rules to ensure they are not arbitrary or capricious. *See* 40 CFR 55.12(e). In addition, the EPA has excluded administrative or procedural rules,[2] and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

The EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Region Office listed in the **ADDRESSES** section of this **Federal Register**.

III. Proposed Action

The EPA is proposing to incorporate the rules potentially applicable to sources for which the Commonwealth of Massachusetts will be the COA. The rules that the EPA proposes to incorporate are applicable provisions of (1) 310 Code of Massachusetts Regulations (CMR) 4.00: Timely Action Schedule and Fee Provisions; (2) 310 CMR 6.00: Ambient Air Quality Standards for the Commonwealth of Massachusetts; (3) 310 CMR 7.00: Air Pollution Control; and (4) 310 CMR 8.00: The Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies as amended through January 16, 2018. The rules that EPA proposes to incorporate in this action will replace the rules previously incorporated into 40 CFR part 55 for Massachusetts. *See* 75 FR 51950; August 24, 2010.

With respect to the Air Pollution Control regulations at 310 CMR 7.00, Massachusetts is divided into six regions known as air pollution control districts, three of which (Merrimack Valley, Metropolitan Boston, and Southeastern Massachusetts) are coastal.[3] Many of the specific provisions of the Air Pollution Control regulations are limited to certain air pollution control districts, or apply differently in different air pollution control districts.

In interpreting such provisions as they are incorporated into 40 CFR part 55, the EPA proposes to treat any existing or proposed OCS source as if it were located in the specific air pollution control district that is geographically closest to the source. The EPA is relying on this interpretation for purposes of this action. If the EPA does not receive comments to the contrary from any party during the public comment period, the interpretation stated above will represent the EPA's formal interpretations of the provisions incorporated into 40 CFR part 55 for the purposes of federal law.

With respect to the Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies regulations at 310 CMR 8.00, the EPA proposes to rely on the Massachusetts Department of Environmental Protection's evaluation, declaration, and notice of an Air Pollution Episode or Incident Emergency applicable to the point on land nearest to an OCS source. Specifically, in interpreting the Massachusetts Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies regulations as they are incorporated into 40 CFR part 55, the EPA proposes to treat any existing or proposed OCS source as if it were located at the point on land that is geographically closest to the source. The restrictions that the Department of Environmental Protection applies to onshore sources on that point of land pursuant to these regulations would then apply to the OCS source as if it were located on that point of land. The EPA is relying on this interpretation for purposes of this action. If the EPA does not receive comments to the contrary from any party during the public comment period, the interpretation stated above will represent the EPA's formal interpretations of the provisions incorporated into 40 CFR part 55 for the purposes of federal law.

The interpretations discussed above are consistent with the interpretations of the Commonwealth of Massachusetts regulations in prior Agency actions for the purposes of consistency updates under 40 CFR part 55. *See* 73 FR 10406; February 27, 2008.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Code of Massachusetts Regulations rules set forth below. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA New England Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air pollution control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. *See* 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, the EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the CAA. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy direction by the EPA. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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);

[2] Each COA which has been delegated the authority to implement and enforce part 55 will use its administrative and procedural rules as onshore. However, in those instances where the EPA has not delegated authority to implement and enforce part 55, the EPA will use its own administrative and procedural requirements to implement the substantive requirements. *See* 40 CFR 55.14(c)(4).

[3] These districts are not associated with separate air pollution control agencies; they are purely conceptual.

• 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, this rule does have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), 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, nor does it impose substantial direct compliance costs on tribal governments or preempt tribal law.

Under the provisions of the Paperwork Reduction Act, 44 U.S.C 3501 *et seq.,* 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. OMB has approved the information collection requirements contained in 40 CFR part 55 and, by extension, this update to the rules, and has assigned OMB control number 2060–0249. OMB approved the EPA Information Collection Request (ICR) No. 1601.08 on September 18, 2017.[4] The current approval expires September 30, 2020. The annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 643 hours per response, using the definition of burden provided in 44 U.S.C. 3502(2).

List of Subjects in 40 CFR Part 55

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

Dated: January 24, 2018.

Alexandra Dapolito Dunn,

Regional Administrator, EPA New England.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations, part 55, is proposed to be amended as follows:

PART 55—OUTER CONTIENTAL SHELF AIR REGULATIONS

■ 1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

■ 2. Section 55.14 is amended by revising paragraph (e)(11)(i)(A) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(e) * * *

(11) * * *

(i) * * *

(A) Commonwealth of Massachusetts Requirements Applicable to OCS Sources, January 16, 2018.

* * * * *

■ 3. Appendix A to part 55 is amended by revising the paragraph for Massachusetts to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, By State

* * * * *

Massachusetts

(a) State requirements.

(1) The following Commonwealth of Massachusetts requirements are applicable to OCS Sources, January 16, 2018, Commonwealth of Massachusetts—Department of Environmental Protection. The following sections of 310 CMR 4.00, 310 CMR 6.00, 310 CMR 7.00 and 310 CMR 8.00:

310 CMR 4.00: Timely Action Schedule and Fee Provisions

Section 4.01: Purpose, Authority and General Provisions (Effective 3/24/2017)
Section 4.02: Definitions (Effective 3/24/2017)
Section 4.03: Annual Compliance Assurance Fee (Effective 3/24/2017)
Section 4.04: Permit Application Schedules and Fee (Effective 3/24/2017)
Section 4.10: Appendix: Schedules for Timely Action and Permit Application Fees (Effective 3/24/2017)

310 CMR 6.00: Ambient Air Quality Standards for the Commonwealth of Massachusetts

Section 6.01: Definitions (Effective 1/1/2016)
Section 6.02: Scope (Effective 1/1/2016)
Section 6.03: Reference Conditions (Effective 1/1/2016)
Section 6.04: Standards (Effective 1/1/2016)

310 CMR 7.00: Air Pollution Control

Section 7.00: Statutory Authority; Legend; Preamble; Definitions (Effective 1/1/2016)
Section 7.01: General Regulations to Prevent Air Pollution (Effective 1/1/2016)
Section 7.02: U Plan Approval and Emission Limitations (Effective 1/1/2016)
Section 7.03: U Plan Approval Exemptions: Construction Requirements (Effective 1/1/2016)
Section 7.04: U Fossil Fuel Utilization Facilities (Effective 1/1/2016)
Section 7.05: U Fuels All Districts (Effective 1/1/2016)
Section 7.06: U Visible Emissions (Effective 1/1/2016)
Section 7.07: U Open Burning (Effective 1/1/2016)
Section 7.08: U Incinerators (Effective 1/1/2016)
Section 7.09: U Dust, Odor, Construction and Demolition (Effective 1/1/2016)
Section 7.11: U Transportation Media (Effective 1/1/2016)
Section 7.12: U Source Registration (Effective 1/1/2016)
Section 7.13: U Stack Testing (Effective 1/1/2016)
Section 7.14: U Monitoring Devices and Reports (Effective 1/1/2016)
Section 7.18: U Volatile and Halogenated Organic Compounds (Effective 1/1/2016)
Section 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_X) (Effective 1/1/2016)
Section 7.21: Sulfur Dioxide Emissions Limitations (Effective 1/1/2016)
Section 7.22: Sulfur Dioxide Emissions Reductions for the Purpose of Reducing Acid Rain (Effective 1/1/2016)
Section 7.24: U Organic Material Storage and Distribution (Effective 1/1/2016)
Section 7.25: U Best Available Controls for Consumer and Commercial Products (Effective 1/1/2016)
Section 7.26: Industry Performance Standards (Effective 9/9/2016)
Section 7.60: U Severability (Effective 1/1/2016)
Section 7.00: Appendix A (Effective 1/1/2016)
Section 7.00: Appendix B (Effective 1/1/2016)
Section 7.00: Appendix C (Effective 1/1/2016)

310 CMR 8.00: The Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies

Section 8.01: Introduction (Effective 1/1/2016)
Section 8.02: Definitions (Effective 1/1/2016)
Section 8.03: Air Pollution Episode Criteria (Effective 1/1/2016)
Section 8.04: Air Pollution Episode Potential Advisories (Effective 1/1/2016)
Section 8.05: Declaration of Air Pollution Episodes and Incidents (Effective 1/1/2016)

[4] OMB's approval of the ICR can be viewed at *www.reginfo.gov.*

Section 8.06: Termination of Air Pollution Episodes and Incident Emergencies (Effective 1/1/2016)
Section 8.07: Emission Reductions Strategies (Effective 1/1/2016)
Section 8.08: Emission Reduction Plans (Effective 1/1/2016)
Section 8.15: Air Pollution Incident Emergency (Effective 1/1/2016)
Section 8.30: Severability (Effective 1/1/2016)

(2) [Reserved]

* * * * *

[FR Doc. 2018–02809 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 83, No. 29
Monday, February 12, 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

Commodity Credit Corporation

Farm Service Agency

Information Collection Request; Marketing Assistance Loans, Farm Storage Facility Loans, and Farm Loan Programs

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Commodity Credit Corporation (CCC) and the Farm Service Agency (FSA) are requesting comments from all interested individuals and organizations on an extension and revision of a currently approved information collection that supports CCC and FSA loan programs. The information collection is necessary to gather data regarding the applicant which is required on a financing statement, and to obtain the applicant's permission to file a financing statement prior to the execution of a security agreement.

DATES: *Comments:* We will consider comments we receive by April 13, 2018.

ADDRESSES: We invite you to submit comments on this notice. In your comment, include date, volume, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Angela Payton, Agricultural Program Specialist, USDA, FSA, Stop 0512, 1400 Independence Avenue SW, Washington, DC 20250.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Angela Payton at the phone number below or the above address.

FOR FURTHER INFORMATION CONTACT: Angela Payton; (202) 720–0482.

SUPPLEMENTARY INFORMATION:

Title: Representations for Commodity Credit Corporation or Farm Service Agency Loans and Authorization to File a Financing Statement and Related Documents.

OMB Control Number: 0560–0215.

Expiration Date of Approval: June 30, 2018.

Type of Request: Extension with a revision.

Abstract: Form CCC–10, ''Representations for Commodity Credit Corporation or Farm Service Agency Loans and Authorization to File a Financing Statement and Related Documents'' is necessary to:

(a) Gather or verify basic data, provided by a CCC or FSA loan applicant, that is required on a financing statement filed by CCC or FSA to perfect a security interest in collateral used to secure a loan; and

(b) Obtain applicant permission to file a financing statement prior to the execution of a security agreement.

FSA's Farm Loan Programs (FLP) uses the CCC–10 when a nonapplicant third party pledges the full value of chattel security to FSA as adequate security required for an FLP loan.

Both CCC's Marketing Assistance Loan and Farm Storage Facility Loan programs also use the CCC–10, but are exempt from the provisions of the Paperwork Reduction Act according to the Agricultural Act of 2014 (Pub. L. 113–79, Title I, Subtitle F—Administration).

FSA is increasing the number of respondents by 360, since the last request. The burden hours will decrease by 2,088 hours due to not needing to account for the travel time in the burden hours.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response multiplied by the estimated total annual of responses.

Estimated Annual Burden: The public reporting burden for this information collection is estimated to average 5 minutes per response (0.083 of an hours).

Respondents: Individual producers and farming entities.

Estimated Number of Respondents: 2,868.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Response: 2,868.

Estimated Average Time per Response: 0.083 of an hours (average 5 minutes).

Estimated Total Annual Burden on Respondents: 238.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Evaluate the quality, ability and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information.

All responses to this notice, including names and addresses when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Steven J. Peterson,

Executive Vice President, Commodity Credit Corporation, Acting Administrator, Farm Service Agency.

[FR Doc. 2018–02741 Filed 2–9–18; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request a revision of a currently approved information collection in support of RHS regulations.

DATES: Comments on this notice must be received by April 13, 2018 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Joanna Rogers, Finance and Loan Analyst, Multi-Family Housing Portfolio Management Division, Rural Housing Service, U.S. Department of Agriculture, South Building, Stop 0782, 1400 Independence Avenue SW, Washington, DC 20250–0781, telephone (202) 720–1609.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 3560 Direct Multi-Family Housing Loans and Grants.

OMB Number: 0575–0189.

Expiration Date of Approval: June 30, 2018.

Type of Request: Revision of a currently approved information collection.

Abstract: The information collected is used by the Agency to manage, plan, evaluate, and account for Government resources. The reports are required to ensure the proper and judicious use of public funds.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .49 hours per response.

Respondents: Individuals, corporations, associations, trusts, Indian tribes, public or private non profit organizations, which may include faith-based, consumer cooperative, or partnership.

Estimated Number of Respondents: 485,000.

Estimated Number of Responses per Respondent: 2.02.

Estimated Number of Responses: 2,248,815.

Estimated Total Annual Burden on Respondents: 1,112,942 hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, at (202) 692–0040.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Brigitte Sumter, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: January 31, 2018.

Curtis M. Anderson,

Chief of Staff/Acting Administrator, Rural Housing Service, USDA Rural Development.

[FR Doc. 2018–02621 Filed 2–9–18; 8:45 am]

BILLING CODE 3410–XV–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: February 21, 2018, 1:00 p.m. EST.

PLACE: U.S. Chemical Safety Board, 1750 Pennsylvania Ave., NW, Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Wednesday, February 21, 2018 at 1:00 p.m. EST in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW, Suite 910. The Board will discuss open investigations, the status of audits from the Office of the Inspector General, financial and organizational updates, and a review of the agency's action plan. New business will include an overview and possible release of the CSB's first ''Safety Spotlight'' and Board Member outreach and transparency initiatives.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference:

Dial-In: 888–862–6557.

Confirmation Number: 46446323.

The CSB is an independent federal agency charged with investigating incidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

Contact Person for Further Information

Hillary Cohen, Communications Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB website at: *www.csb.gov.*

Dated: February 7, 2018.

Raymond Porfiri,

Deputy General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2018–02846 Filed 2–8–18; 11:15 am]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

[Docket No. 170606544–7544–01]

Privacy Act of 1974; System of Records

AGENCY: Department of Commerce, Office of the Secretary.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended; the Freedom of Information Act, as amended; and Office of Management and Budget (OMB) Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' the Department of Commerce (Department) is issuing this notice of its intent to establish a new system of records entitled ''COMMERCE/DEPT–29, Unmanned Aircraft Systems.'' The use of Unmanned Aircraft Systems (UAS) significantly expands the Department's ability to collect data critical to its mission. Additionally, as compared to manned aircraft, UAS may provide

lower-cost operation and augment existing capabilities while reducing risks to human life. The Department is committed to ensuring that collection, use, retention, or dissemination of information about individuals through the use of any technology, including UAS, complies with the Constitution, and Federal law, regulations, and policies. We invite public comment on the new system announced in this publication.

DATES: To be considered, written comments must be submitted on or before March 14, 2018. This new system of records will become effective on February 12, 2018, unless the modified system of records notice needs to be changed as a result of public comment.

Newly proposed routine uses 12, 13, 14, 15, 16, and 17 in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become effective on March 29, 2018, unless the new system of records notice needs to be changed as a result of public comment. If the modified system of records notice needs to be changed, the Department will publish a subsequent notice in the **Federal Register** by March 29, 2018, stating that the current system of records will remain in effect until a revised notice is published in the **Federal Register**.

ADDRESSES: Please address comments to: NOAA Bureau Chief Privacy Officer, 1315 East-West Highway, Silver Spring, MD 20910, SSMC3, Room 9719.

FOR FURTHER INFORMATION CONTACT: Commanding Officer, NOAA Aircraft Operations Center (AOC), 3450 Flightline Drive, Lakeland, FL 33811. Requester should provide name and association with the Department, if any, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

SUPPLEMENTARY INFORMATION: UAS are used by the Department of Commerce for a variety of purposes, including research, disaster relief efforts and other rescue efforts, storm tracking, and coastal mapping. The Congress recognized the potential wide-ranging benefits of UAS operations within the United States in the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by September 30, 2015. The Department is creating a new system of records for UAS, entitled ''COMMERCE/DEPT–29, Unmanned Aircraft Systems,'' as part of its commitment to ensuring that collection, use, retention, or dissemination of information about individuals through the use of any technology, including UAS, complies with the Constitution, and Federal law, regulations, and policies.

The Privacy Act requires each agency that proposes to establish or significantly modify a system of records to provide adequate advance notice of any such proposal to the Office of Management and Budget (OMB), the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate (5 U.S.C 552a(r)). The purpose of providing the advance notice to OMB and Congress is to permit an evaluation of the potential effect of the proposal on the privacy and other rights of individuals. The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Deputy Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on July 3, 2017.

SYSTEM NAME AND NUMBER:

Unmanned Aircraft Systems, COMMERCE/DEPT–29.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Oceanic and Atmospheric Administration, SSMC3, Silver Spring, MD 20919.

SYSTEM MANAGER:

Commanding Officer, NOAA Aircraft Operations Center (AOC), 7917 Hangar Loop Drive, Hangar 5, MacDill Air Force Base, FL 33621–5401.

AUTHORITIES FOR MAINTENANCE OF THE SYSTEM:

Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems (Feb. 15, 2015); National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*; Marine Debris Act, 33 U.S.C. 1951 *et seq.;* Coast and Geodetic Survey Act, 33 U.S.C. 883a *et seq.*; Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.*; Coral Reef Conservation Act, 16 U.S.C. 6401 *et seq.*; National Historic Preservation Act, 16 U.S.C. 470 *et seq.*; Ocean Pollution Act, 33 U.S.C. 2701 *et seq.*; Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*; Clean Water Act, 33 U.S.C. 1251; 47 CFR parts 80, 87, and 95. The system is also authorized by the U.S. Office of Management & Budget (OMB) Circular A–130; the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act); High Seas Fishing Compliance Act of 1995, 16 U.S.C. 5501 *et seq.*; International Fisheries Regulations: Vessels of the United States Fishing in Colombian Treaty Waters: 50 CFR 300.120; the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95); the American Fisheries Act, Title II, Public Law 105–277; the Atlantic Coastal Fisheries Cooperative Management Act of 1993, 16 U.S.C. 5101–5108, as amended 1996; the Tuna Conventions Act of 1950, 16 U.S.C. 951–961; the Atlantic Tunas Convention Authorization Act, 16 U.S.C. Chapter 16A; the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773 *et seq.* (Halibut Act), the Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431–2444; the Marine Mammal Protection Act, 16 U.S.C. 1361; and the Debt Collection Improvement Act, 31 U.S.C. 7701.

PURPOSE(S) OF THE SYSTEM:

UAS may be used by the Department of Commerce for a variety of purposes, including research, disaster relief efforts and other rescue efforts, storm tracking, law enforcement, and coastal mapping.

The Congress recognized the potential wide-ranging benefits of UAS operations within the United States in the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by September 30, 2015. As compared to manned aircraft, UAS may provide lower-cost operation and augment existing capabilities while reducing risks to human life.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former employees of the Department of Commerce and such other persons whose association with the Department relates to the use of UAS. The names of individuals and the files in their names may be: (1) Received pursuant to employment; or (2) submitted by the employee for access or use to files within the system in the conduct of assigned duties involving UAS.

b. Individuals, including members of the public, who are identified while conducting UAS operations, including those identified during disaster relief efforts, storm tracking, coastal mapping,

SARSAT rescue and law enforcement activities. Members of the public could also include fishing vessel owner and occupants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Access report logs, geospatial reference logs, use history reports, transmission reports, video and photographic imagery, audio files, input commands and control histories, or other similar records that catalogue the use, data collected, and transmission of UAS.

RECORD SOURCE CATEGORIES:

User input and login, identifiable video imagery, and global positioning satellite geospatial location coordinates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. In the event that a system or records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR part 4b.6.

7. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

9. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

10. A record in this system may be transferred, as a routine use, to the Office of Personnel Management: For personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

11. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services Administration (GSA), or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.* GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

12. Disclosure of information from this system of records may also be made to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act (31 U.S.C. 7701).

13. Routine use for research, coastal mapping, and weather system tracking may include disclosure to other Federal Agencies, scholarly research educational facilities, disaster relief organizations, and research partners.

14. Routine use for disaster relief efforts may include disclosure to other federal agencies, local law enforcement, and relief organizations. Routine use for SARSAT PII data may include other Federal Agencies and rescue personnel participating in rescue efforts.

15. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records,· (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

16. A record in this system of records may be disclosed to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

17. A record in this system of records may be disclosed to student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Department

and/or its agencies, as authorized by law, as needed to perform their assigned Agency functions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated storage media, image transmissions, and geospatial tracking media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indices are alphabetical, cross referenced to file number, and by geospatial tracking location. Records may be retrieved by geospatial coordinates of latitude and longitude, or address, which may correspond to residential locations following storm damage assessment or other operations over populated areas. Records may also be retrieved by case name, case number, investigation number, or subject in the case of law enforcement records. Lastly, records may be retrieved by the associated operation, office, file name, storm, or event for which the UAS was used.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Each type of record is governed by its applicable Records Control Schedule. If PII is inadvertently captured in any system not covered by this System of Records Notice, it is deleted within 180 days pursuant to Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems (Feb. 15, 2015).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Used only by authorized screened personnel with a need to know, stored on an encrypted storage device, transmission through encrypted methodologies in satisfaction of the Department's Policy on Electronic Transmission of PII Policy.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to FOI/P, OPM; ATTN: FOIA Officer; 1900 E Street NW, Room 5415; Washington, DC 20415–7900. Individuals may also request notification of existence of records on himself or herself by sending a signed, written inquiry to the Deputy Chief FOIA Officer and Department Privacy Act Officer, Room 52010, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

For more information, visit: *http://www.osec.doc.gov/opog/PrivacyAct/PrivacyAct_requests.html.*

CONTESTING RECORD PROCEDURES:

An individual requesting corrections of or amendments to information contained in his or her records must send a signed, written request inquiry to the same address as stated in the Notification Procedure section below. Requesters should reasonably identify the records, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. The Department's rules for accessing, for requesting correction or amendment of contents, and for appealing initial determination by the individual concerned appear in 15 CFR part 4 Subpart B.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to the above address. Individuals should provide name and association with the Department, if any, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4.23.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in the Act: 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c) (1) and (2), (e)(4)(A) through (F), (e) (6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(2), on condition that if the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a(k)(2) are exempted from the notice access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C. 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) in order to prevent disclosure of classified information as required by Executive Order 12065 in the interest of the national defense and foreign policy.

To the extent that the exemption under 5 U.S.C. 552a(j)(2) is held to be invalid, then the exemptions under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) are claimed for all material which meets the criteria of these three subsections.

Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5) are as follows: 5 U.S.C. 552a(c)(3); 5 U.S.C. 552a(d); 5 U.S.C. 552a(e)(1); 5 U.S.C. 552a(e)(4) (G), (H), and (I); 5 U.S.C. 552a(f).

Reasons for exemptions: In general, the exemption of this information and material is necessary in order to accomplish the law enforcement function of National Marine Fisheries (NMFS) Office of Law Enforcement (OLE), to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Detailed reasons follow: Reasons for exemptions under 5 U.S.C. 552a(j)(2) and (k)(2);

(1) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the alerting or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(2) 5 U.S.C. 552a (c)(4), (d), (e)(4) (G) and (H), (f) and (g) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the contest of information contained in such records; and the civil remedies available to the individual in the event of adverse

determinations by an agency concerning access to or amendment of information contained in records systems. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual, or to grant access to an investigative file, could interfere with investigative and enforcement proceedings, deprive co-defendants of a right to a fair trial or other impartial adjudication, constitute an unwarranted invasion of personal privacy of others, disclose the identity or confidential sources, reveal confidential information supplied by these sources and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear or reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to identify, detect, and apprehend violators.

(4) 5 U.S.C. 552a(e)(I) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of a criminal or other investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation NMFS/OLE may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, NMFS/OLE should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which is related to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privilege under Federal programs. The application of the provision would impair investigations of illegal acts, violations of the rules of conduct, merit system and any other misconduct of the following reasons:

a. In certain instances the subject of an investigation cannot be required to supply information to investigators. In those instances, information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct, etc., must be obtained from other sources.

b. Most information collected about an individual under investigation is obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his activities. Information may also be obtained through lawful surveillance methods, including UAS.

c. The subject of an investigation will be alerted to the existence of an investigation if any attempt is made to obtain information from subject. This could afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

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

(6) 5 U.S.C. 552a(e)(3) requires that an agency must inform the subject of an investigation who is asked to supply information of:

a. The authority under which the information is sought and whether disclosure of the information is mandatory or voluntary,

b. The purposes for which the information is intended to be used,

c. The routine uses which may be made of the information, and

d. The effects on the subject, if any, of not providing the requested information. The reasons for exempting this system of records from the foregoing provision are as follows:

(i) The disclosure to the subject of the investigation as stated in (b) above would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(ii) If the subject were informed of the information required by this provision, it could seriously interfere with undercover activities requiring disclosure of undercover agents' identity and impairing their safety, as well as impairing the successful conclusion of the investigation.

(iii) Individuals may be contracted during preliminary information-gathering in investigations before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

(7) 5 U.S.C. 552a(e)(5) requires that records be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about an individual. Since the law defines ''maintain'' to include the collection of information complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation it is not possible to determine this prior to collection of the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material which may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

(8) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record of such individual is made available to any persons; under compulsory legal process when such process becomes a matter of public record. The notice requirements of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

Reasons for exemptions under 5 U.S.C. 552a(k)(1):

(1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the record at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this

provision would alert subjects of an investigation to the existence of the investigation, and that such persons are subjects of that investigation, information which if known might cause damage to national security.

(2) 5 U.S.C. 552a(d), (e)(4) (G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records, and the contest of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigations undertaken in connection with national security; or could disclose the identity of sources kept secret to protect national security or reveal confidential information supplied by these sources.

(3) 5 U.S.C. 552a(e)(3)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose the identity of sources kept secret to protect national security.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of an investigation involving national security matters.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the NMFS/OLE may obtain information concerning the violators of laws other than those within the scope of his jurisdiction. In the interests of effective law enforcement, NMFS/OLE should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining forms of evidence during an investigation, information may be supplied to the investigator which relates to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

Reasons for exemptions under 5 U.S.C. 552a(k)(5):

(1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subject with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(2) 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings; co-defendants of a right to a fair trial; constitute an unwarranted invasion of personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by these sources; and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to make fair and objective decisions on questions of suitability for Federal employment and related issues.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of an investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after that information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation NMFS/OLE may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, NMFS/OLE should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator, by means of UAS data, which relate to matters incidental to the main purpose of the investigation but which may relate to matters under investigative jurisdiction of another agency. Such information cannot readily be segregated.

HISTORY:

This is a new system of records.

Dated: February 6, 2018.

Michael J. Toland,

Department Privacy Act Officer, Department of Commerce, Deputy Chief FOIA Officer.

[FR Doc. 2018–02688 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

[Docket No.: 170502443–7443–01]

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Commerce, Office of the Secretary.

ACTION: Notice of proposed amendment to Privacy Act System of Records: COMMERCE/DEPT–13, Investigative and Security Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, The Freedom of Information Act, as amended; and Office of Management and Budget (OMB) Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' the Department of Commerce (Department) is issuing a notice of intent to establish an amended system of records entitled, COMMERCE/DEPT–13, ''Investigative and Security Records.'' This action is necessary to update the types or categories of information maintained, and update dated information covered by the current COMMERCE/DEPT–13 system of records notice. We invite public comment on the system amended announced in this publication.

DATES: To be considered, written comments must be submitted on or before March 14, 2018. The Department filed a report describing the modified system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Deputy Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on May 31, 2017. This modified system of records will become effective upon publication in the **Federal Register** on February 12, 2018, unless the modified system of records notice needs to be changed as a result of public comment.

Newly proposed routine uses 11, 12, 13, and 14 in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become effective on March 29, 2018, unless the modified system of records notice needs to be changed as a result of public comment. If the modified system of records notice needs to be changed, the Department will publish a subsequent notice in the **Federal Register** by March 29, 2018, stating that the current system of records will remain in effect until a revised notice is published in the **Federal Register**.

ADDRESSES: You may submit written comments by any of the following methods:

Email: mtoland@doc.gov. Include ''COMMERCE/DEPT–13, Investigative and Security Records'' in the subject and subtext of the message.

Mail: Michael J. Toland, Ph.D., Deputy Chief Freedom of Information Act Officer and Department Privacy Act Officer, Office of Privacy and Open Government, 1401 Constitution Ave. NW, Room 52010, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Michael J. Toland, Ph.D., Deputy Chief Freedom of Information Act Officer and Department Privacy Act Officer, Office of Privacy and Open Government, 1401 Constitution Ave. NW, Room 52010, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The Office of Security IT Infrastructure allows the Department's Office of Security (OSY) the ability to fulfill its responsibility for investigative and security records by providing OSY personnel with the tools (hardware, software, and training) and access to the internal and external information resource necessary to perform their responsibilities. The system controls access to only those authorized as well as aids in the monitoring, assessment and response to security and emergency related incidents.

SYSTEM NAME AND NUMBER:

Investigative and Security Records, COMMERCE/DEPT–13.

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

U.S. Department of Commerce Office of Security HCHB Consolidated Server Room (CSR), 1401 Constitution Ave. NW, Washington, DC 20230.

SYSTEM MANAGER(S):

Director, Office of Security, Herbert C. Hoover Building, Washington, DC 20230.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450, 11478, 12065, 5 U.S.C. 301 and 7531–332; 15 U.S.C. 1501 *et seq.*; 28 U.S.C. 533–535; 44 U.S.C. 3101; Equal Employment Act of 1972; and all existing, applicable Department policies, and regulations.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect and maintain records of processing of personnel security-related clearance actions, to record suitability determinations, to record whether security clearances are issued or denied, and to verify eligibility for access to classified information or assignment to a sensitive position. Also, records may be used by the Department for adverse personnel actions such as removal from sensitive duties, removal from employment, denial to a restricted or sensitive area, and/or revocation of security clearance. The system also assists in capturing background investigations and adjudications; directing the clearance process for granting, suspending, revoking and denying access to classified information; directing the clearance process for granting, suspending, revoking and denying other federal, state, local, or foreign law enforcement officers the authority to enforce federal laws on behalf of the Department; managing state, local and private-sector clearance programs and contractor suitability programs; determining eligibility for unescorted access to Department owned, occupied or secured facilities or information technology systems; and/or other activities relating to personnel security management responsibilities at the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include past and present federal employees, applicants, contractors, affiliates who require: (1) Access to Department-owned or operated facilities, including commercial facilities operating on behalf of the Department; (2) access to Department information technology (IT) systems and data; or (3) access to national security information including classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in the system contain social security number; passport number; name; maiden name; alias; gender; race/ethnicity; date of birth; place of birth; home address; telephone number; email address; education; financial information; medical information; military service; physical characteristics; mother's maiden name; citizenship, former residency; employment; people who know you; marital status; relatives; foreign contacts, foreign activities; foreign business; foreign travel; police record; investigations and clearance information; use of information technology; involvement in non-criminal court actions and associations; job title; work address; telephone number; email address; work history; employment history; fingerprints; scars, marks, tattoos; eye color; hair color; height; and weight. This system does not include records of Equal Employment Opportunity (EEO) investigations. Such records are covered in a government-wide system notice by the Office of Personnel Management and are now the responsibility of the Equal Employment Opportunity Commission. For assistance contact the Department Privacy Act Officer, Office of Privacy and Open Government, 1401

Constitution Ave. NW, Room 52010, Washington, DC 20230.

RECORD SOURCE CATEGORIES:

Subject individuals; OPM, FBI and other Federal, state and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

7. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

8. A record in this system of records may be disclosed, as a routine use, to the National Archives and Records Administration or other federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

9. A record in this system of records may be disclosed, as a routine use, to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

10. A record in this system of records may be disclosed to appropriate agencies, entities and persons when: (1) It is suspected or determined that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and to prevent, minimize, or remedy such harm.

11. A record in this system of records may be disclosed to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

12. A record in this system of records may be disclosed to an individual's prospective or current employer to the extent necessary to determine employment eligibility.

13. A record in this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the officer making the disclosure.

14. A record in this system of records may be disclosed to a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on servers, magnetic disc, tape, digital media, and CD–ROM.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may generally be retrieved by individual's name, date of birth, social security number, if applicable, or other unique individual identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

When cases are closed, records are disposed of in accordance with General Records Schedule 3—Procurement, Supply, and Grant Records; General Records Schedule 9—Travel and Transportation Records; and General Records Schedule 18—Security and Protective Services Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable Department automated systems security and access policies. Strict controls have been imposed to minimize risk of compromising the

information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties, who have appropriate clearances or permissions, and who have taken Privacy Act training.

RECORD ACCESS PROCEDURES:

An individual requesting access to records on himself or herself should send a signed, written inquiry to the same address as stated in the Notification Procedure section above. The request letter should be clearly marked, ''PRIVACY ACT REQUEST.'' The written inquiry must be signed and notarized or submitted with certification of identity under penalty of perjury. Requesters should specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

An individual requesting corrections or contesting information contained in his or her records must send a signed, written request inquiry to the same address as stated in the Notification Procedure section below. Requesters should reasonably identify the records, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. The Department's rules for access, for contesting contents, and for appealing initial determination by the individual concerned appear in 15 CFR part 4, Appendix B.

NOTIFICATION PROCEDURE:

An individual requesting notification of existence of records on himself or herself should send a signed, written inquiry to the Deputy Chief FOIA Officer and Department Privacy Act Officer, Room 52010, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

For more information, visit: *http://www.osec.doc.gov/opog/PrivacyAct/PrivacyAct_requests.html.*

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5), all information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 12065, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

HISTORY:

https://www.gpo.gov/fdsys/pkg/PAI-2013-COMMERCE/xml/PAI-2013-COMMERCE.xml#dept13.

Dated: February 6, 2018.

Michael J. Toland,

Department Privacy Act Officer, Department of Commerce, Deputy Chief FOIA Officer.

[FR Doc. 2018–02687 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–BX–P

DEPARTMENT OF COMMERCE

[Docket No.: 170301212–7212–01]

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Commerce, National Technical Information Service.

ACTION: Notice of a Modified System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, Title 5 of the United States Code (U.S.C.) sections 552a(e)(4) and (11); and Office of Management and Budget (OMB) Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' the Department of Commerce (Department) is issuing notice of intent to amend the system of records under COMMERCE/NTIS–1, NTIS Business Systems, to update information concerning the location of the system of records, categories of records covered by the system, the authority for maintenance of the system, the policies and practices for retention, disposal, and safeguarding the system of records, the storage, the system manager and address, the notification procedures; and other minor administrative updates. Accordingly, the COMMERCE/NTIS–1, NTIS Business Systems notice is amended as below. We invite public comment on the system amendment announced in this publication.

DATES: To be considered, written comments must be submitted on or before March 14, 2018. The Department filed a report describing the modified system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Deputy Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on May 31, 2017. This modified system of records will become effective upon publication in the **Federal Register** on February 6, 2018, unless the modified system of records notice needs to be changed as a result of public comment.

Newly proposed routine uses 16 and 17 in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become effective on March 29, 2018, unless the modified system of records notice needs to be changed as a result of public comment. If the modified system of records notice needs to be changed, the Department will publish a subsequent notice in the **Federal Register** by February 6, 2018, stating that the current system of records will remain in effect until a revised notice is published in the **Federal Register**.

ADDRESSES: Please address comments to: National Technical Information Service, Freedom of Information Act and Privacy Act Officer, 5301 Shawnee Rd., Alexandria, VA 22312.

FOR FURTHER INFORMATION CONTACT: National Technical Information Service, Freedom of Information Act and Privacy Act Officer, Mr. Wayne Strickland, 703–605–6543, *WStrickland@ntis.gov,* 5301 Shawnee Rd., Alexandria, VA 22312.

SUPPLEMENTARY INFORMATION: This update makes seven program-related changes. The first of seven proposed changes revises the name of the system from ''Individuals interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files'' to ''NTIS Business Systems.'' The second of seven proposed changes revises the location of the system. The third proposed change updates the categories of records. The fourth change updates the authority for maintenance to reflect the addition of new systems. The fifth change updates the routine uses. The sixth change updates the system manager and address. The seventh change updates the policies and practices for the storage, retrievability, safeguards, and retention and disposal of the records in the system. Additionally, the amendment provides other minor administrative updates. The entire resulting system of records notice, as amended, appears below.

SYSTEM NAME AND NUMBER

COMMERCE/NTIS–1; NTIS Business Systems.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Technical Information Service, 5301 Shawnee Rd, Alexandria, VA 22312.

SYSTEM MANAGER(S):

System managers are the same as stated in the System Location section above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1151–57; 41 U.S.C. 104; 44 U.S.C. 3101; Pub. L. 113–67.

PURPOSE(S) OF THE SYSTEM:

The National Technical Information Service (NTIS) business systems are the collection of systems and applications that are hosted on NTIS servers. These systems work together to allow NTIS to provide services to the general public; and as well as internal financial services for NTIS. Products and services sold through ntis.gov are processed by the NTIS business systems.

NTIS collects information from all individuals who order and/or purchase products and services from NTIS and all individuals who have requested that they be placed on the NTIS promotional mailing list to receive NTIS promotional literature.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who order and/or purchase products and services from NTIS and all individuals who have requested that they be placed on the NTIS promotional mailing list to receive NTIS promotional literature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; telephone number; email address; nine-digit taxpayer identification number; state incorporation/registration number; items ordered; items sent; amount of purchases, date order received; date order mailed; NTIS deposit account or customer code number; total charge to date; whether account collectible or not; categories of publications ordered by each purchaser; when subscription expired; amount of deposit; certification status; uniform resource locator (URL), which is a web page address or location.

RECORD SOURCE CATEGORIES:

Subject individual of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed, as a routine use, to NTIS sales agents; and to individuals, organizations, Federal agencies, and State and local governments contributing publications to NTIS for their market research and sales accounting purposes, through the mechanism of providing them the names and addresses of individuals (and others) who have purchased their publications.

2. A record from this system of records may be disclosed, as a routine use, to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act (31 U.S.C. 3718).

3. A record from this system of records may be disclosed, as a routine use, to Members of Congress per Section 203 of The Bipartisan Budget Act of 2013 (Pub. L. 113–67).

4. In the event that a system or records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

5. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

8. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

9. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.26.

10. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

11. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

12. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

13. A record in this system may be transferred, as a routine use, to the Office of Personnel Management: For personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

14. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services Administration (GSA), or his

designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.* GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

15. A record in this system of records may be disclosed to appropriate agencies, entities and persons when: (1) It is suspected or determined that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or whether systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and to prevent, minimize, or remedy such harm.

16. A record in this system of records may be disclosed to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

17. A record in this system of records may be disclosed to student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Department and/or its agencies, as authorized by law, as needed to perform their assigned Agency functions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records will be stored in a secure computerized system and on magnetic media; output data will be electronic. Paper records in file folders, film files, and magnetic media will be stored in a secure area within a locked drawer or cabinet. Source data sets containing personal identifiers will be maintained in a secure restricted-access IT environment.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

a. Records maintained in electronic form are retrieved by the name of the customer and/or the NTIS deposit account or customer code number.

b. Records maintained in paper form are retrieved by the name of the customer and/or the NTIS deposit account or customer code number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

NTIS records retention schedules are currently in review.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records and disks as stored in file cabinets on secured premises with access limited to personnel whose official duties require access. The electronic system operates at a FISMA Moderate security rating and is hosted in a Federal Government data center.

RECORD ACCESS PROCEDURES:

An individual requesting access to records on himself or herself should send a signed, written inquiry to the same address as stated in the Notification Procedure section above. The request letter should be clearly marked, ''PRIVACY ACT REQUEST.'' The written inquiry must be signed and notarized or submitted with certification of identity under penalty of perjury. Requesters should specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

An individual requesting corrections or contesting information contained in his or her records must send a signed, written request inquiry to the same address as stated in the Notification Procedure section above. Requesters should reasonable identify the records, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant.

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR part 4b. Use the address in the Notification Procedures section.

NOTIFICATION PROCEDURES:

An individual requesting notification of existence of records on himself or herself should send a signed, written inquiry to the following address: National Technical Information Service, Freedom of Information Act and Privacy Act Officer, 5301 Shawnee Rd., Alexandria, VA 22312.

The request letter should be clearly marked, ''PRIVACY ACT REQUEST.'' The written inquiry must be signed and notarized or submitted with certification of identity under penalty of perjury. Requesters should reasonably specify the record contents being sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

https://www.gpo.gov/fdsys/pkg/PAI-2013-COMMERCE/xml/PAI-2013-COMMERCE.xml#ntis1.

Dated: February 6, 2018.

Michael J. Toland,

Department of Commerce, Deputy Chief FOIA Officer, Department Privacy Act Officer.

[FR Doc. 2018–02689 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–04–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–08–2018]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee; Notification of Proposed Production Activity: Volkswagen Group of America—Chattanooga Operations, LLC (Passenger Motor Vehicles), Chattanooga, Tennessee

Volkswagen Group of America Chattanooga Operations, LLC (Volkswagen), submitted a notification of proposed production activity to the FTZ Board for its facility in Chattanooga, Tennessee. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 30, 2018.

Volkswagen already has authority to produce passenger motor vehicles within Site 3 of FTZ 134. The current request would add foreign status components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Volkswagen from customs

duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status components noted below, the company would be able to choose the duty rates during customs entry procedures that apply to passenger motor vehicles (duty rate—2.5%). Volkswagen would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components sourced from abroad include T-Piece/plastic pipes and stainless-steel flanges (duty rate ranges from 3.1 to 6.2%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 24, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: February 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–02773 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–07–2018]

Foreign-Trade Zone (FTZ) 49—Newark, New Jersey; Notification of Proposed Production Activity; Movado Group, Inc. (Timepieces and Jewelry); Moonachie, New Jersey

Movado Group, Inc. (Movado) submitted a notification of proposed production activity to the FTZ Board for its facility in Moonachie, New Jersey. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 31, 2018.

Movado's facility is located within Subzone 49J. The facility is used for the assembling of parts and components into finished watches and clocks, as well as kitting activities involving watches and jewelry. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Movado from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status components noted below, Movado would be able to choose the duty rates during customs entry procedures that apply to wrist watches, travel clocks, and electrically operated alarm clocks (duty rate ranges from duty-free to 27.8%). Movado would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Rings for fingers of precious metal; earrings of precious metal; necklaces of precious metal; wrist bracelets of precious metal; jewelry of precious or semiprecious stones (natural, synthetic or reconstructed); imitation jewelry: Cuff links and studs; rings for fingers of base metal; earrings of base metal; necklaces of base metal; wrist bracelets of base metal; coins (other than gold), not being legal tender; key chains; watch movements, electrically operated and with mechanical displays only or devices for incorporating mechanical displays (complete/assembled); watch movements, electrically operated and with opto-electronic display only (complete/assembled); watch movements, electrically operated and with other than mechanical or opto-electronic display only (complete/assembled); watch movements, with automatic winding (complete/assembled); watch movements, other than electrically operated or with automatic winding (complete/assembled); watch movements (complete/unassembled or partly assembled); watch movements (incomplete/assembled); watch movements (rough movements); clock movements; watch cases, precious metal or of metal clad with precious metal; watch cases, of base metal, whether or not gold- or silver-plated; watch cases, other than precious metal or base metal; watch case parts: Crown tubes/gaskets; crystals; crystal gaskets; case back crystals; case backs; case back gaskets; case back screws; case tubes; bezels; gaskets; bezel screws; ring flanges; movement holders; watch straps/bands/bracelets, precious metal or of metal clads with precious metal; watch straps/bands/bracelets, base metal, whether or not gold- or silver-plated; watch straps/bands/bracelets, other than precious metal or base metal; springs, including hairsprings; dials; plates and bridges; other watches or clock parts: Bracelet decors; hands; crystals; pushers; crowns; bezels; case back screws; bezel screws; bracelet screws; case back gaskets; bezel gaskets; crystal gaskets; case tubes; movement holders; ring flanges; movement screws; deployment buckles; tongue buckles; clasps; jewelers' clasps; logo covers for bracelets; sizing link screws; pins; tubes; set case to bracelet attachments; and, silver oxide and lithium batteries (duty rate ranges from duty-free to 13.5%). The request indicates that lithium-ion batteries will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 26, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: February 6, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–02789 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–815]

Light-Walled Rectangular Pipe and Tube From Turkey: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Agir Haddecilik A.S. (Agir) did not make sales of subject merchandise at prices below normal value during the period of review (POR) May 1, 2016, through April 30, 2017.

DATES: Applicable February 12, 2018.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

This administrative review covers nine exporters of the subject merchandise, including the sole mandatory respondent, *i.e.,* Agir. 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 preliminary result is now February 5, 2018.[1] Interested parties are invited to comment on these preliminary results.

Scope of the Order

The merchandise covered by the antidumping order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 millimeters. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States at subheadings 7306.61.50.00 and 7306.61.70.60. For a full description of the scope of the order, *see* Preliminary Decision Memorandum.[2]

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. Further, a list of the topics discussed in the Preliminary Decision Memoradum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Partial Rescission of Administrative Review

On August 2, 2017, Atlas Tube and Searing Industries (collectively, the petitioners) timely withdrew their request for an administrative review of each of the companies for which they had requested a review, except for Agir. On September 7, 2017, Noksel timely withdrew its request for an administrative review of itself. No other parties requested a review of the companies for which the petitioners and Noksel timely withdrew their review requests. Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the AD order on LWRPT from Turkey with respect to Toscelik Profil ve Sac Endustrisi A.S., Toscelik Metal Ticaret A.S., Tosyali Dis Ticaret A.S., Noksel Celik Boru Sanayi A.S., Yucel Boru ve Profil Endustrisi A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S., Cayirova Boru Sanayi ve Ticaret A.S., and CINAR Boru Profil Sanayi ve Ticaret A.S.

Preliminary Results of Review

The Department preliminarily determines the weighted-average dumping margin for Agir for the period May 1, 2016, through April 30, 2017, as follows:

Manufacturer/exporter	Weighted-average margin (percent)
Agir Haddecilik A.S	0.00

Assessment Rates

Upon issuance of the final results, Commerce will determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We will calculate importer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined sales with a particular importer to the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by the respondent for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of LWRPT from Turkey entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Agir will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate

[1] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[2] *See* Memorandum, ''Decision Memorandum for Preliminary Results of the 2016–2017 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey,'' dated concurrently with this notice (Preliminary Decision Memorandum).

published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.04 percent *ad valorem,* the all-others rate established in the less-than-fair-value investigation.[3] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose the calculations used in our analysis to interested parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[5] Executive summaries should be limited to five pages total, including footnotes.[6] Case and rebuttal briefs should be filed using ACCESS.[7]

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. If a hearing is requested, Commerce will notify interested parties of the hearing date. Interested parties who wish to request a hearing, or who wish to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[8]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: February 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Partial Rescission of Review
V. Discussion of the Methodology
Comparisons to Normal Value
A. Determination of a Comparison Methodology
B. Results of Differential Pricing Analysis
Product Comparisons
Date of Sale
Export Price
Duty Drawback
Normal Value
A. Home Market Viability
B. Calculation of Normal Value Based on Comparison-Market Prices
C. Level of Trade
Cost of Production Analysis
A. Cost Averaging Methodology
1. Significance of Cost Changes
2. Linkage Between Sales and Cost Information
B. Calculation of COP
C. Test of Comparison Market Sales
D. Results of COP Test
Currency Conversion
VI. Conclusion

[FR Doc. 2018–02764 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Turkey,* 73 FR 19814 (April 11, 2008).

[4] *See* 19 CFR 351.309(d)(1).

[5] *See* 19 CFR 351.309(c)(2) and (d)(2).

[6] *Id.*

[7] *See* 19 CFR 351.303.

[8] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Construction Safety Team Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Construction Safety Team (NCST) Advisory Committee (Committee) will meet in person and via teleconference on Tuesday, February 20, 2018 from 1:00 p.m. to 4:00 p.m. Eastern Time. The primary purpose of this meeting is to update the Committee on the progress of the implementation of the recommendations made as a result of the National Institute of Standards and Technology (NIST) Technical Investigation of the May 22, 2011, Tornado in Joplin, Missouri and provide the Committee with an overview of the ongoing work related to the recent reconnaissance teams deployed to Texas, Florida, Puerto Rico and California. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee.*

DATES: The NCST Advisory Committee will meet on Tuesday, February 20, 2018 from 1:00 p.m. until 4:00 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: The meeting will be held via teleconference and in Conference Room B205 of Building 226, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. For instructions on how to attend and participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Benjamin Davis, Management and Program Analyst, Community Resilience Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, Maryland 20899–8604. Mr. Davis' email address is *Benjamin.Davis@nist.gov;* and his phone number is (301) 975–6071.

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to

Section 11 of the NCST Act (Pub. L. 107–231, codified at 15 U.S.C. 7301 *et seq.*). The Committee is currently composed of six members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. The Committee advises the Director of NIST on carrying out the NCST Act; reviews the procedures developed for conducting investigations; and reviews the reports issued documenting investigations. Background information on the NCST Act and information on the NCST Advisory Committee is available at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NCST Advisory Committee will meet on Tuesday, February 20, 2018 from 1:00 p.m. until 4:00 p.m. Eastern Time. The meeting will be open to the public. The meeting will be held via teleconference and in Conference Room B205 of Building 226, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. The primary purpose of this meeting is to update the Committee on the progress of the implementation of the recommendations made as a result of the Technical Investigation of the May 22, 2011, Tornado in Joplin, Missouri and provide the Committee with an overview of the ongoing work related to the recent reconnaissance teams deployed to Texas, Florida, Puerto Rico and California. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to request a place on the agenda. Approximately twenty-five minutes will be reserved near the conclusion of the meeting for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Mr. Benjamin Davis, *Benjamin.Davis@nist.gov,* by 5:00 p.m. Eastern Time, Friday, February 9, 2018. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend are invited to submit written statements to the NCST, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, or electronically by email to *Benjamin.Davis@nist.gov.*

To participate in the teleconference, please submit your first and last name, email address, and phone number to Benjamin Davis at *Benjamin.Davis@nist.gov* or (301) 975–6071. After pre-registering, participants will be provided with detailed instructions on how to join the teleconference remotely. All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Friday, February 9, 2018, to attend. Please submit your full name, email address, and phone number to Benjamin Davis at *Benjamin.Davis@nist.gov*; his phone number is (301) 975–6071. Non-U.S. citizens must submit additional information; please contact Mr. Davis. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information, please contact Mr. Davis or visit: *http://www.nist.gov/public_affairs/visitor/.*

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2018–02745 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Intent To Terminate Selected National Voluntary Laboratory Accreditation Program (NVLAP) Services

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Chief of the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP) may terminate a specific Laboratory Accreditation Program (LAP) when it is determined that a need no longer exists to accredit laboratories for the services covered under the scope of the LAP. The Chemical Calibration: Certifiers of Spectrophotometric NIST Traceable Reference Materials (NTRMs) Program is comprised of laboratories that design, prepare, characterize, certify and distribute NTRM filter reference materials. Based on a lack of participation, the Chief of NVLAP has preliminarily determined that a need no longer exists to accredit laboratories for the services covered under the scope of this program and is proposing termination of the LAP. NIST is requesting written comment on the proposed termination.

DATES: Comments on the proposed termination must be received no later than April 13, 2018.

ADDRESSES: Comments on the proposed terminations must be submitted to: Chief, National Voluntary Laboratory Accreditation Program, National Institute of Standards and Technology, 100 Bureau Drive, Stop 2140, Gaithersburg, MD 20899–2140, or by email at *nvlap@nist.gov.*

FOR FURTHER INFORMATION CONTACT: Dana Leaman, Chief, National Voluntary Laboratory Accreditation Program, (301) 975–4016 or *dana.leaman@nist.gov.*

SUPPLEMENTARY INFORMATION: NIST administers NVLAP under regulations found in 15 CFR part 285. NVLAP provides an unbiased third-party evaluation and recognition of laboratory performance, as well as expert technical assistance to upgrade that performance, by accrediting calibration and testing laboratories found competent to perform specific calibrations or tests. NVLAP is comprised of a set of LAPS which are established on the basis of requests and demonstrated need. Each LAP includes specific test and/or calibration standards and related methods and protocols assembled to satisfy the unique needs for accreditation in the field of testing, field of calibration, product, or service.

Under 15 CFR 285.5, the Chief of NVLAP may terminate a specific LAP when it is determined that a need no longer exists to accredit laboratories for the services covered under the scope of the LAP. The Chemical Calibration: Certifiers of Spectrophotometric NTRMs Program is comprised of laboratories that design, prepare, characterize, certify and distribute NTRM filter reference materials. A review of the Chemical Calibration: Certifiers of

Spectrophotometric NTRMs Program revealed that there are zero (0) laboratories enrolled in the program. Based on the lack of participation, the Chief of NVLAP has preliminarily determined that a need no longer exists to accredit laboratories for the services covered under the scope of the Chemical Calibration: Certifiers of Spectrophotometric NTRMs Program and proposes termination of the LAP.

After the comment period, the Chief of NVLAP shall determine if there is public support for the continuation of the LAP. If public comments support the continuation of the LAP, the Chief of NVLAP shall publish a **Federal Register** notice announcing its continuation. If public support does not exist for continuation, a notice of termination shall be published in the **Federal Register** within 90 days after the close of the comment period. If the LAP is terminated, NVLAP shall no longer grant or renew accreditations under the terminated program following the effective date of termination.

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2018–02746 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF996

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold two webinars that are open to the public.

DATES: The GMT webinars will be held Wednesday, February 28, 2018, from 1:30 p.m. until 4:30 p.m. and Friday, March 30, 2018, from 8:30 a.m. to 12 p.m. Webinar end times are estimates, meetings will adjourn when business for each day is completed.

ADDRESSES: The following login instructions will work for any of the webinars in this series. To attend the webinar (1) join the meeting by visiting this link *http://www.gotomeeting.com/online/webinar/join-webinar;* (2) enter the Webinar ID: 525–081–147, and (3) enter your name and email address (required). After logging in to the webinar, please (1) dial this TOLL number +1 (562) 247–8422 (not a toll-free number); (2) enter the attendee phone audio access code 754–184–592; and (3) then enter your audio phone pin (shown after joining the webinar). NOTE: We have disabled Mic/Speakers as on option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see the *https://www.gotomeeting.com/meeting/ipad-iphone-android-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at 503–820–2280, extension 411 for technical assistance. A public listening station will also be available at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Pacific Council, (503) 820–2413.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT webinars are to prepare for the March and April 2018 Pacific Council meetings. A detailed agenda for each webinar will be available on the Pacific Council's website prior to the meeting. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. The GMT's task will be to develop recommendations for consideration by the Pacific Council at its meetings in 2018.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 business days prior to the meeting date.

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02733 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF982

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of meetings of the South Atlantic Fishery Management Council's Citizen Science Advisory Panel Action Teams via webinar.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the following Citizen Science Advisory Panel Action Teams via webinar: Communication/Outreach/Education; Volunteers; Projects/Topics Management; and Data Management.

DATES: The Communication/Outreach/Education Team will be held on Tuesday, February 27, 2018 at 1 p.m.; Volunteers Team meeting will be held on Tuesday, February 27, 2018 at 3 p.m.; Projects/Topics Management Team meeting will be held on Wednesday, February 28, 2018 at 10 a.m.; and Data Management Team on Wednesday, February 28, 2018 at 2 p.m. Each meeting is scheduled to last approximately 90 minutes. Additional Action Team webinar and plenary webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES:

Meeting address: The meetings will be held via webinar and are open to members of the public. Webinar registration is required and registration links will be posted to the Citizen Science program page of the Council's website at *www.safmc.net.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Amber Von Harten, Citizen Science Program Manager, SAFMC; phone: (843)

302–8433 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *amber.vonharten@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council created a Citizen Science Advisory Panel Pool in June 2017. The Council appointed members of the Citizen Science Advisory Panel Pool to five Action Teams in the areas of *Volunteers, Data Management, Projects/Topics Management, Finance,* and *Communication/Outreach/Education* to develop program policies and operations for the Council's Citizen Science Program.

Each Action Team will meet to continue work on developing recommendations on program policies and operations to be reviewed by the Council's Citizen Science Committee. Public comment will be accepted at the beginning of each webinar meeting. Items to be addressed during these meetings:

1. Discuss work on tasks in the Terms of Reference
2. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02731 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG013

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 56 Assessment webinar for South Atlantic Black Seabass.

SUMMARY: The SEDAR 56 assessment of the South Atlantic stock of Black Seabass will consist of a series webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: A SEDAR 56 Assessment webinar will be held on Thursday, February 22, 2018, from 9 a.m. until 1 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. The product of the SEDAR webinar series will be a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment webinar are as follows:

1. Participants will continue discussions to develop population models to evaluate stock status, estimate population benchmarks, and project future conditions, as specified in the Terms of Reference.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

3. Participants will prepare a workshop report and determine whether the assessment(s) are adequate for submission for review.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02735 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG004

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of meetings of the South Atlantic Fishery Management Council.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the: Personnel Committee (Closed Session); Advisory Panel Selection Committee (Close Session); Citizen Science Committee; Spiny Lobster Committee; Joint Habitat Protection and Ecosystem-Based Management/Shrimp/and Golden Crab

Committees; Snapper Grouper Committee; Southeast Data, Assessment and Review (SEDAR) Committee; Mackerel Cobia Committee; Standard Operating, Policy and Procedure (SOPPs) Committee, and the Executive Finance Committee. The Council will meet as a Committee of the Whole to address the Acceptable Biological Catch (ABC) Control Rule and have a meeting of the full Council. The Council will also hold an informal Question and Answer Session, a formal public comment session, and take action as necessary.

DATES: The Council meeting will be held from 8 a.m. on Monday, March 5, 2018 until 1 p.m. on Friday, March 9, 2018.

ADDRESSES:

Meeting address: The meeting will be held at the Westin Jekyll Island, 110 Ocean Way, Jekyll Island, GA 31527; phone: (912) 635–4545; fax: (912) 319–2835.

Council address: South Atlantic Fishery Management Council, 4055 Faber lace Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.* Meeting information is available from the Council's website at: *http://safmc.net/meetings/council-meetings/.*

SUPPLEMENTARY INFORMATION:

Public comment: Written comments may be directed to Gregg Waugh, Executive Director, South Atlantic Fishery Management Council (see *Council address*) or electronically via the Council's website at *http://safmc.net/safmc-meetings/council-meetings/.* The public comment form is open for use when the briefing book is posted to the website on the Friday, two weeks prior to the Council meeting (2/16/18). Comments received by close of business the Monday before the meeting (2/26/18) will be compiled, posted to the website as part of the meeting materials, and included in the administrative record; please use the Council's online form available from the website. For written comments received after the Monday before the meeting (after 2/26/18), individuals submitting a comment must use the Council's online form available from the website. Comments will automatically be posted to the website and available for Council consideration. Comments received prior to noon on Thursday, March 8, 2018 will be a part of the meeting administrative record.

The items of discussion in the individual meeting agendas are as follows:

Personnel Committee (Closed Session), Monday, March 5, 2018, 8 a.m. Until 9 a.m.

1. The Personnel Committee will meet in Closed Session to discuss personnel issues and provide recommendations for Council consideration.

Advisory Panel Selection Committee (Closed Session), Monday, March 5, 2018, 9 a.m. Until 10:30 a.m.

1. The Committee will receive a review of the composition of the System Management Plan Workgroup, review applications and make recommendations as appropriate.
2. The Committee will receive an overview of open advisory panel seats, review applications/reapplications and provide recommendations as appropriate.

Citizen Science Committee, Monday, March 5, 2018, 10:30 a.m. Until 12:30 p.m.

1. The Committee will review formal recommendations from the Citizen Science Action Teams, discuss, and adopt as appropriate.

Spiny Lobster Committee, Monday, March 5, 2018, 1:30 p.m. Until 2:30 p.m.

1. The Committee will receive an update on the status of catches versus annual catch limit (ACLs) and the status of amendments under formal review.
2. The Committee will review public scoping comments on options for Spiny Lobster Amendment 13 addressing bullynets and measures recommended by the Florid Fish and Wildlife Conservation Commission (FWC). The Committee will approve actions and alternatives to be analysed and provide guidance to staff.

Joint Habitat Protection and Ecosystem-Based Management, Shrimp and Golden Crab Committees Meeting, Monday, March 5, 2018, 2:30 p.m. Until 5:30 p.m.

1. The Committees will receive an overview of the Fishery Ecosystem Plan II and Implementation plan, review and approve.
2. The Committees will receive an update on habitat and ecosystem tools and model development, review and approve actions on habitat as appropriate.
3. The Committees will receive an overview on Allowable Fishing Areas, discuss and provide guidance to staff as needed.

Snapper Grouper Committee, Tuesday, March 6, 2018, 8:30 a.m. Until 4:30 p.m., and Wednesday, March 7, 2018, 8:30 a.m. Until 4:30 p.m.

1. The Committee will receive updates from NOAA Fisheries on commercial catches versus quotas for species under ACLs and the status of amendments under formal Secretarial review.
2. The Committee will receive an overview of draft Amendment 46 addressing measures for recreational reporting and best fishing practices and provide guidance to staff.
3. The Committee will receive an overview of the Vision Blueprint Regulatory Amendment 26 addressing recreational management actions and alternatives as identified in the 2016–2020 Vision Blueprint for the Snapper Grouper Fishery Management Plan. The Committee will modify the document as necessary and approve for public hearings.
4. The Committee will receive an overview on improving recreational estimates, discuss and provide direction to staff. The Committee will also receive a presentation on findings from the final report: Socio-economic Profile of the South Atlantic Snapper Grouper Commercial Fishery, review and provide comment.
5. The Committee will receive an overview of Vision Blueprint Regulatory Amendment 27 addressing commercial management actions and alternatives, as identified in the 2016–20 Vision Blueprint for the Snapper Grouper Fishery. The Committee will modify the document as necessary, and approve for public hearings.
6. The Committee will receive an overview of options for a Snapper Grouper For-Hire Moratorium, discuss, and provide guidance to staff.
7. The Committee will receive an overview of a rebuilding plan for red grouper, review, and provide guidance to staff.
8. The Committee will receive an overview of draft Snapper Grouper Regulatory Amendment 28 addressing golden tilefish management, provide guidance to staff, and approve for public hearings.
9. The Committee will receive an update on the Wreckfish Individual Transferable Quota (ITQ) Review and provide guidance to staff.
10. The Committee will discuss potential management options for yellowtail snapper (*e.g.,* commercial trip limits and coordinating with the Gulf of Mexico Fishery Management Council), and provide guidance to staff.
11. The Committee will receive an overview of guidance established in the

Council's Vision Blueprint for the Snapper Grouper Fishery and the System Management Plan for managed areas, discuss and provide guidance to staff. The Committee will also receive an overview of sea turtle and other protected resources release gear and provide guidance to staff.

Informal Question and Answer Session, Tuesday, March 6, 2018, 4:30 p.m.

Formal Public Comment, Wednesday, March 7, 2018, 4:30 p.m.—Public comment will be accepted on items on the Council agenda including Coastal Migratory Pelagics Amendment 31 (Atlantic Cobia) that the Council is considering for final approval. The Council is also accepting public comment on Executive Order 13771 (2 for 1 regulations) to identify regulations that are (1) outdated, (2) unnecessary, or (3) ineffective. The Council Chair, based on the number of individuals wishing to comment, will determine the amount of time provided to each commenter.

SEDAR Committee, Thursday, March 8, 2018, 8 a.m. Until 9 a.m.

1. The Committee will receive an update on stock assessment projects, receive an overview of the Council's SEDAR Committee function and purpose and discuss, and discuss the SEDAR Steering Committee's upcoming meeting and provide guidance to staff as appropriate.

ABC Control Rule—Council Meeting of the Whole, Thursday, March 8, 2018, 9 a.m. Until 12 p.m.

1. The Committee of the Whole will receive an overview of the ABC Control Rule Amendment, discuss and provide guidance to staff.

2. The Committee of the Whole will receive an overview of Accountability Measures, discuss, and provide guidance to staff.

Mackerel Cobia Committee, Thursday, March 8, 2018, 1 p.m. Until 3 p.m.

1. The Committee will receive an update on commercial catches versus ACLs and an update from state representatives on king mackerel tournament sales versus commercial ACLs.

2. The Committee will receive an update on state actions for the Interstate Atlantic Cobia Management Plan from the Atlantic States Marine Fisheries Commission (ASMFC).

3. The Committee will receive a summary of public comments for Coastal Migratory Pelagics Amendment 31 addressing proposed management measures for Atlantic cobia, review the decision document, and consider approving the amendment for formal Secretarial review.

4. The Committee will receive an overview of Coastal Migratory Pelagics Framework Amendment 6 addressing Atlantic king mackerel trip limits, discuss, and provide guidance to staff.

SOPPs Committee, Thursday, March 8, 2018, 3 p.m. Until 4 p.m.

1. The Committee will receive an overview of changes proposed to the SOPPs and Council Handbook, discuss, and provide direction to staff as appropriate.

Executive/Finance Committee, Thursday, March 8, 2018, 4 p.m. Until 5:30 p.m.

1. The Committee will receive an overview of the current Magnuson-Stevens Reauthorization efforts, discuss, and provide guidance to staff.

2. The Committee will receive an overview of the draft Calendar Year 2018 budget, discuss, and provide guidance to staff.

3. The Committee will receive an overview of regulatory reform efforts, Atlantic Coast-Wide Group discussion, and Council Training/Webinars, discuss, and provide guidance to staff.

Council Session: Friday, March 9, 2018, 8 a.m. Until 1 p.m. (Partially Closed Session if Needed)

The Full Council will begin with the Call to Order, adoption of the agenda, approval of minutes, announcements and introductions, and presentations.

The Council will receive a Legal Briefing on Litigation from NOAA General Counsel (if needed) during Closed Session. The Council will receive staff reports including the Executive Director's Report, a report on the Economic Impact of Fisheries for Council Managed Species, and an update on the Electronic Reporting Outreach Project. Updates will be provided by NOAA Fisheries including a presentation on the Southeast For-Hire Integrated Electronic Reporting, status of the For-Hire Amendment, a report on the status of commercial catches versus ACLs for species not covered during an earlier committee meeting, a protected resources update, and discuss other issues as necessary. The Council will also receive a presentation on the Marine Recreational Information Program (MRIP) Effort Survey Transition and Estimates Calibration and a presentation on the Status of Electronic Commercial Logbook Voluntary Reporting.

The Council will review any Exempted Fishing Permits received by NOAA Fisheries as necessary. The Council will receive Committee reports from the Snapper Grouper, Mackerel Cobia, Spiny Lobster, AP Selection, SEDAR, ABC Control Rule Committee of the Whole, Citizen Science, Joint Habitat and Ecosystem-Based Management/Shrimp/Golden Crab, SOPPs, and Executive Finance Committees, and take action as appropriate.

The Council will receive agency and liaison reports; and discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02734 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF897

Endangered and Threatened Species; Notice of Recovery Plan Workshop

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

ACTION: Notice of workshop.

SUMMARY: We, NMFS, are convening a workshop to present the Southern Distinct Population Segment of Green Sturgeon (*Acipenser medirostris*) Draft

Recovery Plan (Plan). The notice announcing availability of the Plan was published in the **Federal Register** on January 9, 2018. Our workshop will be held on March 5, 2018, at the NMFS office in Sacramento, CA and will be open to the public. With this notice, we announce the details of a public workshop.

DATES: The workshop will be held on Monday, March 5, 2018, from 1 p.m. to 5 p.m. *RSVP date:* If you plan to attend the workshop, please contact Joe Heublein (see **FOR FURTHER INFORMATION CONTACT**) no later than February 26, 2018.

ADDRESSES: The meeting will be held at the National Marine Fisheries Service, 5–100, 650 Capitol Mall, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Joe Heublein, NMFS Green Sturgeon Recovery Coordinator, at (916) 930–3719 or *joe.heublein@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 7, 2006, we, NMFS, listed the southern distinct population segment (sDPS) of the North America green sturgeon (*Acipenser medirostris*) as a threatened species under the Endangered Species Act (ESA) (71 FR 17757). A recovery outline was completed in 2010. On January 9, 2018, we announced the availability of the Southern Distinct Population Segment of Green Sturgeon Draft Recovery Plan (Plan) in the **Federal Register** (83 FR 1025). The text of the Plan can be found here: *http://www.westcoast.fisheries.noaa.gov/protected_species/green_sturgeon/green_sturgeon_pg.html.* The Plan lays out a recovery strategy based on the best available science, identifies site-specific actions with time lines and costs, and includes recovery goals and criteria. Public comments on the Plan will be accepted through March 12, 2018. Details on how to submit comments can be found in our January 9, 2018 notice (83 FR 1025).

Recovery Plan Workshop Announcement

On March 5, 2018, NMFS will hold a public workshop at the NMFS office in Sacramento, CA to present the Plan. We invite any interested member of the public to attend. NMFS will present the details of the Plan and provide a time-limited question and answer period during which attendees may ask NMFS about the information presented. NMFS will provide a moderator to manage the workshop as well as a notetaker to document input received.

This workshop will be open to the public. If you plan to attend the workshop, please contact Joe Heublein at the address listed above by February 26, 2018, so we can ensure sufficient space for all participants. Please also plan to arrive at the workshop at least 30 minutes prior to the start time to allow time to clear the security screening checkpoint. The workshop is accessible to persons with disabilities. Send requests for sign language interpretation or other auxiliary aids at least five business days in advance to Joe Heublein at (916) 930–3719.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: February 7, 2018.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–02743 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG015

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 52 Assessment webinar II for Gulf of Mexico red snapper.

SUMMARY: The SEDAR 52 assessment process of Gulf of Mexico red snapper will consist of an in-person workshop and a series of assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 52 Assessment webinar II will be held March 6, 2018, from 1 p.m. to 3 p.m. Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; phone: (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment webinar II are as follows:

1. Using datasets and initial assessment analysis recommended from the in-person Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice

that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02737 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF983

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Outreach and Education Advisory Panel (OEAP) will hold a 2-day meeting in March 8–9, 2018, to discuss items contained in the agenda in the **SUPPLEMENTARY INFORMATION**.

DATES: The meeting will be held on March 8 and 9, 2018, starting at 10 a.m. until 4 p.m. each day.

ADDRESSES: The meeting will be held at the Council Office, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION:

March 8, 2018, 10 a.m.–4 p.m.

—Call to Order
—Adoption of Agenda
—OEAP Chairperson's Report
- Status of:

—OEAP members meeting attendance
—CFMC Report 160th and 161th Regular Meetings
—Hurricane impacts on fisheries in the region
—USVI activities
—Island-Based Fishery Management Plans (IBFMPs)
- Orientation meetings

—Fishery Ecosystem Plan (FEP)
- Outreach & Education products and activities for fishers and consumers

—Responsible Seafood Consumption Campaign

March 9, 2018, 10 a.m.–4 p.m.

—PR Fishers video by GeoAmbiente
—2019 Calendar
—Caribbean Fishery App
—CFMC Facebook communications with stakeholders
—PEPCO
—MREP Caribbean
—Other Business

Special Accommodations

The meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02732 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG016

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a webinar-based meeting with the public for the purpose of providing instruction to for-hire operators on electronic reporting of vessel trip reports (VTRs).

DATES: This meeting will be held Friday, March 2, 2018, from 10 a.m. to 12:30 p.m.

ADDRESSES: The meeting will be held via webinar (*http://mafmc.adobeconnect.com/evtr2018/*) with a telephone audio connection (provided when connecting).

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Andrew Loftus, eVTR Outreach Workshop Coordinator; telephone: (410) 295–5997; email*: aloftus@andrewloftus.com* or Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's website, *www.mafmc.org* also has details on the proposed agenda, webinar access, and briefing materials.

SUPPLEMENTARY INFORMATION: NOAA Fisheries has issued a final rule requiring the use of electronic vessel trip reports (VTRs) by vessel owners/operators holding Federal charter or party permits for species managed by a Mid-Atlantic Fishery Management Council FMP while on trips carrying passengers for hire. Electronic VTRs must be submitted through a NOAA-approved software application within 48 hours following the completion of a fishing trip. Vessels with Federal charter or party permits for any of the following species will be bound by this rule:

- Atlantic mackerel
- Squid
- Butterfish
- Summer Flounder
- Scup
- Black sea bass
- Bluefish
- Tilefish

This action takes effect March 12, 2018, and changes only the required method of transmitting VTRs and the submission date; the required data elements and all other existing reporting requirements will not change. This webinar meeting will provide information on the new requirements and options to assist affected parties to comply and training on select systems in preparation for this action.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02729 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG014

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting and hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its American Samoa Archipelago Ecosystem Plan (FEP) Advisory Panels (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The American Samoa Archipelago FEP AP will meet on Thursday, March 1, 2018, between 4:30 p.m. and 6 p.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The American Samoa Archipelago FEP AP will meet at the Pacific Petroleum Conference Room, Utulei Village, American Samoa, 96799.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the American Samoa Archipelago FEP AP Meeting

Thursday, March 1, 2018, 4:30 p.m.–6 p.m.

1. Welcome and Introductions
2. Report on Previous Council Action Items
3. Council Issues
   - A. Action Items
   - i. Precious Corals Essential Fish Habitat Refinement Options
   - ii. Options for an Aquaculture Management Program
   - iii. U.S. Territory Longline Bigeye Specification
   - iv. American Samoa Large Vessel Prohibited Area
   - v. American Samoa Swordfish Trip Limit
   - vi. American Samoa Marine Conservation Plan
   - B. Other Council Issues
4. American Samoa Archipelago FEP Community Activities
5. American Samoa Archipelago FEP AP Issues
   - A. Report of the Subpanels
   - i. Island Fisheries Subpanel
   - ii. Pelagic Fisheries Subpanel
   - iii. Ecosystems and Habitat Subpanel
   - iv. Indigenous Fishing Rights Subpanel
   - B. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: February 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–02736 Filed 2–9–18; 8:45 am]

BILLING CODE 3510–22–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–51, Contractors and Consultants. New CFTC–51 addresses information collected from individuals who serve as contractors and consultants to CFTC.

DATES: Comments must be received on or before March 14, 2018. This action will be effective without further notice on March 14, 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. Contractors and Consultants Records

The Contractors and Consultant records system contains information about individuals who have contracted with the CFTC to provide various supplies and services. Collection of this information is necessary to accurately document, award, and manage procurement actions, including ensuring that contractors and consultants are compensated for goods delivered or services performed and to track and manage the fulfillment of such contractual obligations.

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

Contractors and Consultants; CFTC–51.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

This system is located at Department of Transportation Enterprise Service Center (ESC) in Oklahoma City, Oklahoma, 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. 301; Executive Order 9373; the Office of Federal Procurement Policy Act (41 U.S.C. 405).

PURPOSE(S) OF THE SYSTEM:

The information in the system is being collected to maintain records on CFTC contractors and consultants. Collection of this information is necessary (1) to accurately document, award, and manage procurement actions, including ensuring that contractors and consultants are compensated for goods delivered or services performed, and (2) to track and manage the fulfillment of such contractual obligations from requirements gathering to contract closeout, workload management, and reporting.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include individuals who serve as contractors or consultants to CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records includes information that may contain: Individual's name, Social Security number, home address, telephone numbers (work, home, mobile), email addresses, contract name and number, employer, work address, job title, labor category, relevant work experience, resumes, CFTC-issued property in the possession of the contractor/consultant for the purpose of fulfilling contractual requirements, correspondence between the contractor and CFTC, status reports, proposals, invoices, financial account and banking information, and other pre- and post-award documents.

RECORD SOURCE CATEGORIES:

Information in this system is obtained directly from the individual who is the subject of these records or from designated third parties, for example, the employer of the individual contractor or consultant.

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 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

(e) 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 Contractor and Consultant system of records stores records in this system electronically or on paper in secure facilities. Electronic records are stored on DOT's secure ESC 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 notice may be retrieved by contract name, contract number, name, email address, physical address, or other unique individual identifiers, and other types of information by keyword search.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records for this system will be maintained in accordance with the retention periods in the dispositions schedules approved by the National Archives. All approved schedules are available at *http://www.cftc.gov.*

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- and system-specific 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.

RECORD 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 RECORD 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 February 7, 2018, by the Commission.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–02812 Filed 2–9–18; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0003]

Request for Information Regarding Bureau Enforcement Processes

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Bureau in assessing the overall efficiency and effectiveness of its processes related to the enforcement of Federal consumer financial law, and, consistent with the law, considering whether any changes to these processes would be appropriate.

DATES: Comments must be received by April 13, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0003, by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0003 in the subject line of the message.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the topic on which you are commenting at the top of each response (you do not need to address all topics). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G St. NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. eastern standard time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions in response to this request for information, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For general inquiries and submission process questions, please call Mark Samburg, Counsel, at (202) 435–9710.

SUPPLEMENTARY INFORMATION: In the course of its enforcement work, and as authorized by 12 U.S.C. 5561–5565 and further governed by 12 CFR parts 1080 and 1081, the Bureau may investigate whether any person is or has been engaged in any conduct that is a violation of Federal consumer financial law. These investigations may include requiring witnesses to give oral testimony. The Bureau is also authorized to commence legal proceedings for alleged violations of federal consumer financial law through either administrative adjudication proceedings or civil actions in federal district court. Regardless of forum, in these actions and proceedings the Bureau may seek appropriate legal and equitable relief as permitted by law, including appropriate civil money penalties. The Bureau is, as described below, issuing this request for information seeking public comment on how best to achieve meaningful burden reduction or other improvement to the processes used by the Bureau to enforce Federal consumer financial law (enforcement processes) while continuing to meet the Bureau's statutory objectives and ensuring a fair and transparent process for parties subject to enforcement authority.

Overview of This Request for Information

The Bureau is using this request for information to seek public input regarding its enforcement processes. The Bureau encourages comments from all interested members of the public. The Bureau anticipates that the responding public may include entities that have been subject to Bureau enforcement actions or similar actions from other agencies, members of the bar who represent these entities, individual consumers, consumer advocates, regulators, and researchers, or members of academia.

Suggested Topics for Commenters

To allow the Bureau to evaluate suggestions more effectively, the Bureau

requests that, where possible, comments include:

- Specific suggestions regarding any potential updates or modifications to the Bureau's enforcement processes, consistent with the Bureau's statutory objectives, and including, in as much detail as possible, the potential update or modification, supporting data or other information on impacts and costs, or information concerning alignment with the processes of other agencies; and
- Specific identification of any aspects of the Bureau's enforcement processes that should not be modified, consistent with the Bureau's statutory objectives, and including supporting data or other information on impacts and costs, or information concerning alignment with the processes of other agencies.

The following list of general areas represents a preliminary attempt by the Bureau to identify elements of its enforcement processes that may be deserving of more immediate focus. This non-exhaustive list is meant to assist in the formulation of comments and is not intended to restrict the issues that may be addressed. In addressing these topics or others, the Bureau requests that commenters identify with specificity the Bureau regulations or practices at issue, providing legal citations where appropriate and available. Please feel free to comment on some or all of the topics below, but please be sure to indicate on which area you are commenting. To provide comments specifically on the Bureau's Civil Investigative Demand (CID) processes, please respond to the specific Request for Information on that topic, Docket No. 2018–CFPB–0001, 83 FR 3686 (Jan. 26, 2018). To provide comments specifically on the Bureau's rules of practice for adjudication proceedings, please respond to the specific Request for Information on that topic, Docket No. 2018–CFPB–0002, 83 FR 5055 (Feb. 5, 2018).

The Bureau is seeking feedback on all aspects of its enforcement processes, including but not limited to:

1. Communication between the Bureau and the subjects of investigations, including the timing and frequency of those communications, and information provided by the Bureau on the status of its investigation;

2. The length of Bureau investigations;

3. The Bureau's Notice and Opportunity to Respond and Advise process, including:

a. CFPB Bulletin 2011–04, Notice and Opportunity to Respond and Advise (NORA), issued November 7, 2011 (updated January 18, 2012) and available at *http://files.consumerfinance.gov/f/2012/01/Bulletin10.pdf,* including whether invocation of the NORA process should be mandatory rather than discretionary; and

b. The information contained in the letters that the Bureau may send to subjects of potential enforcement actions pursuant to the NORA process, as exemplified by the sample letter available at *http://www.consumerfinance.gov/wp-content/uploads/2012/01/NORA-Letter1.pdf;*

4. Whether the Bureau should afford subjects of potential enforcement actions the right to make an in-person presentation to Bureau personnel prior to the Bureau determining whether it should initiate legal proceedings;

5. The calculation of civil money penalties, consistent with the penalty amounts and mitigating factors set out in 12 U.S.C. 5565(c), including whether the Bureau should adopt a civil money penalty matrix, and, if it does adopt such a matrix, what that matrix should include;

6. The standard provisions in Bureau consent orders, including conduct, compliance, monetary relief, and administrative provisions; and

7. The manner and extent to which the Bureau can and should coordinate its enforcement activity with other Federal and/or State agencies that may have overlapping jurisdiction.

Authority: 12 U.S.C. 5511(c).

Dated: February 6, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–02710 Filed 2–9–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board Notice of Meeting

AGENCY: United States Air Force Scientific Advisory Board, Department of the Air Force, Department of Defense.

ACTION: Notice withdrawl.

SUMMARY: The previous Air Force Scientific Advisory **Federal Register** Notice, Vol. 82, No. 247, published on Wednesday December 27, 2017, is hereby withdrawn. The United States Air Force Scientific Advisory Board Meeting to be held on 23 January 2018 is cancelled. Due to the lapse in appropriations for the Department of Defense (DoD), the Designated Federal Officer for the U.S. Air Force Scientific Advisory Board along with the DoD was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the cancellation of its previously announced meeting on January 23, 2018, of the U.S. Air Force Scientific Advisory Board that published on Wednesday, December 27, 2017, 82 FR 261270. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

FOR FURTHER INFORMATION CONTACT: The Scientific Advisory Board Secretariat Deputy Director and Designated Federal Officer, Evan Buschmann at *evan.g.buschmann.civ@mail.mil,* 240–612–5503, or United States Air Force Scientific Advisory Board, 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762.

Henry Williams,

Acting Air Force Federal Register Officer.

[FR Doc. 2018–02755 Filed 2–9–18; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Science Board (DSB) will take place.

DATES: Closed to the public Thursday, February 8, 2018 from 8:25 a.m. to 5:00 p.m.

ADDRESSES: The address of the closed meeting is the SECDEF Cables conference room 3D921 at the Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Defense Science Board Designated Federal Officer (DFO) Mr. Edward C. Gliot, (703) 571–0079 (Voice), (703) 697–1860 (Facsimile), *edward.c.gliot.civ@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the

meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Defense Science Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on February 8, 2018, of the Defense Science Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB membership will meet with DoD Leadership to discuss current and future national security challenges within the DoD. This meeting will focus on matters related to the National Defense Strategy, Nuclear Posture Review, and Ballistic Missile Defense Review.

Agenda: The DSB Winter meeting will occur on February 8, 2018 at 8:25 a.m. with opening remarks by Edward Gliot, DFO, and DSB Chairman, Dr. Craig Fields. The first presentation will be from Rear Admiral Hill, Deputy Director of the Missile Defense Agency, who will provide a classified briefing on the views and priorities of the current administration on the Missile Defense initiatives. Following Rear Admiral Hill, Mr. Roberts, Assistant Secretary of Defense (Nuclear, Chemical & Biological Defense Programs), will provide a classified briefing on the views and priorities of the current administration with regard to Nuclear, Chemical & Biological Defense challenges. Following lunch deliberations regarding classified national security policy topics in preparation for the afternoon meetings, Mr. Trachtenberg, Deputy Under Secretary of Defense for Policy, and Mr. Colby, Deputy Assistant Secretary of Defense, Strategy & Force Development, will provide a classified briefing and engage in discussion on the National Defense Strategy. The next briefing will be from Mr. Soofer, Deputy Assistant Secretary of Defense, Nuclear and Missile Defense Policy, and Mr. Weaver, Deputy Director for Strategic Stability, Joint Staff J5, who will provide a classified briefing and engage in discussion on the Nuclear Posture Review. Following a discussion about the Nuclear Posture Review, Mr. Soofer will provide a classified briefing and engage in discussion on the Missile Defense Review. The final presentation of the day will be remarks from the National Security Advisor to the President, Lieutenant General McMaster who will provide a classified briefing on the National Security Strategy. The meeting will adjourn at 5:00 p.m.

Meeting Accessibility: In accordance with section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Performing the Duties of the Under Secretary of Defense for Research and Engineering, in consultation with the DoD Office of General Counsel, determined in writing that the meeting will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense for Research and Engineering.

Written Statements: In accordance with section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the Defense Science Board DFO provided in the **FOR FURTHER INFORMATION CONTACT** section at any point; however, if a written statement is not received at least 3 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: February 7, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–02742 Filed 2–9–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board Quarterly Board Meeting

AGENCY: National Assessment Governing Board, U.S. Department of Education.

ACTION: Announcement of open and closed meetings.

SUMMARY: This notice sets forth the agenda for the March 1–3, 2018 Quarterly Board Meeting of the National Assessment Governing Board (hereafter referred to as Governing Board). This notice provides information to members of the public who may be interested in attending the meeting or providing written comments related to the work of the Governing Board. Notice of this meeting is required under § 10(a)(2) of the Federal Advisory Committee Act (FACA).

DATES: The Quarterly Board Meeting will be held on the following dates:

- March 1, 2018 from 11:00 a.m. to 6:00 p.m.
- March 2, 2018 from 8:30 a.m. to 5:15 p.m.
- March 3, 2018 from 7:30 a.m. to 11:45 a.m.

ADDRESSES: Watergate Hotel, 2650 Virginia Avenue NW, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Executive Officer/Designated Federal Official for the Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002, telephone: (202) 357–6938, fax: (202) 357–6945, email: *Munira.Mwalimu@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Governing Board is established under the National Assessment of Educational Progress Authorization Act, Title III of Public Law 107–279. Written comments may be submitted electronically or in hard copy to the attention of the Executive Officer/Designated Federal Official (see contact information noted above). Information on the Governing Board and its work can be found at *www.nagb.gov.*

The Governing Board is established to formulate policy for the National Assessment of Educational Progress (NAEP). The Governing Board's

responsibilities include the following: Selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, improving the form and use of NAEP, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public.

March 1–3, 2018 Committee Meetings

The Governing Board's standing committees will meet to conduct regularly scheduled work based on agenda items planned for this Quarterly Board Meeting and follow-up items as reported in the Governing Board's committee meeting minutes available at *https://www.nagb.gov/governing-board/quarterly-board-meetings.html.*

Detailed Meeting Agenda: March 1–3, 2018

March 1: Committee Meetings

Ad Hoc Committee on Measures of Postsecondary Preparedness: Open Session: 11:00 a.m. to 1:30 p.m.

Assessment Development Committee (ADC): Open Session: 1:45 p.m. to 3:00 p.m., Closed Session: 3:00 p.m. to 3:45 p.m.

Executive Committee: Open Session: 4:30 p.m. to 6:00 p.m.

March 2: Full Governing Board and Committee Meetings

Full Governing Board: Open Session: 8:30 a.m. to 10:00 a.m.; Closed Session: 12:45 p.m. to 5:15 p.m.

Committee Meetings

ADC: Open Session: 10:00 a.m. to 12:30 p.m.

Reporting and Dissemination (R&D): Open Session 10:00 a.m. to 12:30 p.m.

Committee on Standards, Design and Methodology (COSDAM): Open Session: 10:00 a.m. to 12:30 p.m.

March 3: Full Governing Board and Committee Meetings

Nominations Committee: Closed Session: 7:30 a.m. to 8:15 a.m.

Full Governing Board: Closed Session: 8:30 a.m. to 8:50 a.m.; Open Session: 8:50 a.m. to 11:45 a.m.

On Thursday, March 1, 2018, the Ad Hoc Committee on Measures of Postsecondary Preparedness will meet in open session from 11:00 a.m. to 1:30 p.m. Thereafter, the ADC will meet in open session from 1:45 p.m. to 3:00 p.m. and in closed session from 3:00 p.m. to 3:45 p.m. to review secure cognitive items for the NAEP Reading Assessment at grades 4 and 8. This meeting must be conducted in closed session because the test items and data are secure and have not been released to the public. Public disclosure of the secure test items would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b(c) of Title 5 of the United States Code.

On Thursday, March 1, 2018, the Executive Committee will convene in open session from 4:30 p.m. to 6:00 p.m.

On Friday, March 2, 2018, the Governing Board will meet in open session from 8:30 a.m. to 9:45 a.m. From 8:30 a.m. to 8:45 a.m., the Governing Board will review and approve the March 2–3, 2018 Governing Board meeting agenda and meeting minutes from the November 2017 Quarterly Board Meeting. Thereafter, from 8:45 a.m. to 9:45 a.m. the Governing Board will receive briefings from the Council of Chief State School Officers (CCSSO) and the CCSSO Governing Board State Policy Task Force.

At 9:45 a.m., the Governing Board will recess for a 15 minute break and reconvene for standing committee meetings in open session which will take place from 10:00 a.m. to 12:30 p.m. Following the committee meetings, from 12:30 p.m. to 12:45 p.m., the Governing Board will take a 15 minute break and meet in closed session from 12:45 p.m. to 5:15 p.m.

From 12:45 p.m. to 4:15 p.m., the Board will receive a briefing and discuss the 2017 NAEP Grades 4 and 8 Reading and Mathematics Report Cards. The closed session briefing will take place from 12:45 p.m. to 2:15 p.m., following which the Board will meet in breakout sessions to discuss the results from 2:30 p.m. to 3:30 p.m. The Governing Board will reconvene in plenary session from 3:45 p.m. to 4:15 p.m. to report out on the discussions. These sessions of the Governing Board meeting must be conducted in closed session because data for the 2017 NAEP Grades 4 and 8 in Reading and Mathematics have not been released to the public. Public disclosure of secure data would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b of Title 5 U.S.C.

From 4:15 p.m.–5:15 p.m., the Governing Board will remain in closed session to receive a briefing on the Grade 4 NAEP Writing Assessment and Achievement Levels. This session of the meeting must be conducted in closed session because items and data for the Grade 4 writing assessment have not been released to the public. Public disclosure of secure data would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b of Title 5 U.S.C. The March 2, 2018 session will adjourn at 5:15 p.m.

On March 3, 2018, the Nominations Committee will meet in closed session from 7:30 a.m. to 8:15 a.m. The Committee will discuss nominees for Governing Board vacancies for terms beginning October 1, 2018. The Nominations Committee's discussions pertain solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of § 552b(c) of Title 5 of the United States Code.

On Saturday, March 3, 2018, the Governing Board will meet in closed session from 8:30 a.m. to 8:50 a.m. to receive a briefing from the Nominations Committee on the recommended slate of candidates for Board terms beginning October 1, 2018. The Nominations Committee's discussions pertain solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of § 552b(c) of Title 5 of the United States Code.

From 8:50 a.m. to 9:00 a.m. the Governing Board will convene in open session to take action on finalists for Board member vacancies for terms that begin on October 1, 2018 and approve recommended candidates for submission to the Secretary of Education.

From 9:00 a.m. to 10:00 a.m. the Governing Board will discuss assessment efficiencies in NAEP. Following this session and a 15 minute break, the Board will take action on NAEP Assessment Schedule Priorities. This discussion relates to Strategic Vision #9, which is to develop policy approaches to revise the NAEP assessment subjects and schedule.

The Governing Board will receive reports from its standing committees from 10:45 a.m. to 11:15 a.m. and thereafter take action on the NAEP Framework Development Policy from 11:15 a.m. to 11:45 a.m. This action is pursuant to the Governing Board's Strategic Vision #5, which is to develop new approaches to update NAEP subject area frameworks.

The March 3, 2018 meeting will adjourn at 11:45 a.m.

Access to Records of the Meeting: Pursuant to FACA requirements, the public may also inspect the meeting materials at *www.nagb.gov* beginning on Thursday, March 1, 2018 by 10:00 a.m. EST. The official verbatim transcripts of the public meeting sessions will be available for public inspection no later than 30 calendar days following the meeting.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice no later than 21 days prior to the meeting.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. 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.

Authority: Pub. L. 107–279, Title III—National Assessment of Educational Progress § 301.

Dated: February 6, 2018.

William J. Bushaw,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2018–02810 Filed 2–9–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

Common Instructions for Applicants to Department of Education Discretionary Grant Programs

AGENCY: Office of the Deputy Secretary, Department of Education.

ACTION: Notice.

SUMMARY: As part of a broader effort to reduce barriers for applicants seeking funds under a Department of Education (Department) discretionary grant competition, the Department is issuing a common set of instructions for applicants. It will be referenced in individual notices inviting applications (NIAs). The common instructions will ensure consistency, reduce burden on Department staff, and improve the Department's ability to provide potential applicants with timely information about Department programs and competitions.

FOR FURTHER INFORMATION CONTACT: Levon Schlichter, U.S. Department of Education, 400 Maryland Avenue SW, Room 6E235, Washington, DC 20202. Telephone: (202) 453–6387 or by email: *Levon.Schlichter@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:

Background: This document provides applicants with a centralized and up-to-date set of instructions for applying to the Department's discretionary grant programs. Future NIAs will reference this document in lieu of providing this series of instructions within each NIA. Rarely, exceptions will need to be made to these instructions and will be noted in an individual competition NIA.

Common Set of Instructions for Applicants:

Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package from the Department's website or *Grants.gov*.

To obtain a copy via the Department's website, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for the program.

3. *Submission Dates and Times:*

Submit applications for grants under the program electronically using *Grants.gov.* For information (including dates and times) about how to submit your application electronically, please refer to *Other Submission Requirements* in section 5 of these instructions.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact a person listed in the **FOR FURTHER INFORMATION CONTACT** section in the competition NIA. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in the competition NIA.

4. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department, and to submit your application electronically using *Grants.gov*, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (*SAM.gov*), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service (IRS). If you are an individual, you can obtain a TIN from the IRS or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the *SAM.gov* database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your *SAM.gov* registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with *SAM.gov,* you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your

registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in *SAM.gov* or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, in order to submit your application via *Grants.gov*, you must (1) register as an applicant using your DUNS number; and (2) be designated by your organization's E-Biz Point of Contact as an Authorized Organization Representative (AOR). Details on these steps are outlined at the following *Grants.gov* web page: *https://www.grants.gov/web/grants/register.html.*

5. *Other Submission Requirements:*

a. *Electronic Submission of Applications.*

We are participating as a partner in the Government-wide *Grants.gov* site. Submit applications electronically using *Grants.gov* and do not email them unless explicitly allowed in a competition NIA.

On December 31, 2017, *Grants.gov* retired the Legacy PDF format for submitting grant applications. A *Grants.gov* applicant must apply online using Workspace, a shared environment where members of a grant team may simultaneously access and edit different web forms within an application. An applicant can create an individual Workspace for each application notice and establish for that application a collaborative application package that allows more than one person in the applicant's organization to work concurrently on an application. The *Grants.gov* system also enables the applicant to reuse forms from previous submissions, check them in and out to complete them, and submit the application package. For access to further instructions on how to apply using *Grants.gov*, refer to: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*

You may access the electronic grant applications at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.184, not 84.184D).

Please note the following:

- Applicants needing assistance with *Grants.gov* may contact the *Grants.gov* Support Center either by calling 1–800–518–4726 or by sending an email to *support@grants.gov.* The *Grants.gov* Support Center is available 24 hours a day, seven days a week, except for Federal holidays.
- Applications received by *Grants.gov* are date- and time-stamped upon submission. Your application must be fully uploaded and submitted and must be date- and time-stamped by the *Grants.gov* system no later than 4:30:00 p.m., Eastern Time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date- and time-stamped by the *Grants.gov* system—after 4:30:00 p.m., Eastern Time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov,* we will notify you if we are rejecting your application because it was late.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you leave yourself plenty of time to complete your submission.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for the program to ensure that you submit your application on time. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov,* please refer to the *Grants.gov* website at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- When you submit your application electronically, all documents must be submitted in this manner, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- When you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in a read-only flattened Portable Document Format (PDF), meaning any fillable documents must be saved and submitted as non-fillable PDF files. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-fillable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will be unable to review that material. Please note that this will likely result in your application not being considered for funding. The Department will not convert material from other formats to PDF.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. *Grants.gov* also will notify you automatically by email if your application met all of the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered AOR, issues with your DUNS number, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov,* the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

Email confirmations and receipts from *Grants.gov* do not indicate receipt by the Department, nor do they mean that your application is complete or has met all application requirements. While your application may have been successfully validated by *Grants.gov,* it also must be reviewed in accordance with the Department's application requirements as specified in the competition NIA and in these application instructions. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

Additionally, we may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you experience problems submitting your application through *Grants.gov,* please contact the *Grants.gov* Support Desk immediately, toll-free, at 1–800–518–4726. The *Grants.gov* Support Center will provide you with a ticket number documenting your communication. You must retain your ticket number for future reference as proof of your communication with the Support Center. Please subsequently contact a person listed in the **FOR FURTHER INFORMATION CONTACT** section in the competition NIA and provide an explanation of the technical problem you experienced with *Grants.gov,* along

with the *Grants.gov* Support Desk Case Number.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems within the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Eastern Time, the following business day to enable you to transmit your application electronically, provided we can verify the technical issues affected your ability to submit your application on time via your *Grants.gov* Support Desk Case Number.

Note: The extensions to which we refer in this section apply only to technical problems with the *Grants.gov* system. We will not grant you an extension if you failed to fully register in order to submit your application to *Grants.gov* (including with the required DUNS number and TIN currently registered in SAM) before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

b. *Submission of Paper Applications.*

We discourage paper applications, but if electronic submission is not possible (*e.g.,* you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday).

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. Please send this statement to a person listed in the **FOR FURTHER INFORMATION CONTACT** section of the competition NIA.

If you submit a paper application, you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number), LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

Note for Mail Delivery of Paper Applications: If you mail your application to the Department—

(1) You must indicate on the envelope and in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the Application Control Center at (202) 245–6288.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 5, 2018.

Kent Talbert,

Senior Policy Advisor to the Deputy Secretary, Delegated the Functions and Duties of the Deputy Secretary of Education.

[FR Doc. 2018–02558 Filed 2–9–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0011]

Agency Information Collection Activities; Comment Request; Application for the U.S. Presidential Scholars Program

AGENCY: Office of Communications and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 13, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0011. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Simone Olson, 202–205–8719.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for the U.S. Presidential Scholars Program.

OMB Control Number: 1860–0504.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 3,300.

Total Estimated Number of Annual Burden Hours: 52,800.

Abstract: The United States Presidential Scholars Program is a national recognition program to honor outstanding graduating high school seniors. Candidates are invited to apply based on academic achievements on the SAT or ACT assessments, through nomination from Chief State School Officers, other recognition program partner organizations, on artistic merits based on participation in a national talent program and achievement in career and technical education programs. This program was established by Presidential Executive Orders 11155, 12158 and 13697.

Dated: February 6, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–02678 Filed 2–9–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0013]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; State Tribal Education Partnership (STEP) Program Application (1894–0001)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 14, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0013. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Shahla Ortega, 202–453–5602.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: State Tribal Education Partnership (STEP) Program Application (1894–0001).

OMB Control Number: 1810–0723.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 4,000.

Abstract: The purposes of the STEP program are to: (1) Promote increased collaboration between Tribal educational agencies (TEAs) and the State educational agencies (SEAs) and local educational agencies (LEAs) that serve students from affected tribes; and (2) build the capacity of TEAs to conduct certain administrative functions under certain Elementary and Secondary Education Act of 1965 (ESEA) formula grant programs for eligible schools, as determined by the TEA, SEA, and LEA. This award is made under the Indian Education National Activities authority, as authorized under ESEA title VI, Part A (20 U.S.C. 7451(a)(4)).

This is a renewal of the application package for the State Tribal Education Partnership Program, to be used in forthcoming competitions. The application package reflects the program office's priorities and program-specific selection criteria.

Dated: February 7, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–02753 Filed 2–9–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–52–000.

Applicants: Colton Power L.P., Harbor Cogeneration Company, LLC.

Description: Application for Authorization Under FPA Section 203 for the Disposition of Jurisdictional Facilities, et al. of Colton Power L.P., et al.

Filed Date: 2/5/18.

Accession Number: 20180205–5160.

Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: EC18–53–000.

Applicants: Duke Energy Ohio, Inc.
Description: Application for Authorization under Section 203 of Duke Energy Ohio, Inc.
Filed Date: 2/6/18.
Accession Number: 20180206–5076.
Comments Due: 5 p.m. ET 2/27/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–44–000.
Applicants: Carlsbad Energy Center LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/6/18.
Accession Number: 20180206–5112.
Comments Due: 5 p.m. ET 2/27/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–802–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–02–05_SA 3096 Point Beach Solar-ATC GIA (J505) to be effective 1/22/2018.
Filed Date: 2/5/18.
Accession Number: 20180205–5138.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–803–000.
Applicants: EDF Trading North America, LLC.
Description: § 205(d) Rate Filing: Revised 2018 to be effective 2/6/2018.
Filed Date: 2/5/18.
Accession Number: 20180205–5140.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–804–000.
Applicants: EDF Energy Services, LLC.
Description: § 205(d) Rate Filing: Revised 2018 to be effective 2/6/2018.
Filed Date: 2/5/18.
Accession Number: 20180205–5143.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–805–000.
Applicants: EDF Industrial Power Services (CA), LLC.
Description: § 205(d) Rate Filing: Revised 2018 to be effective 2/6/2018.
Filed Date: 2/5/18.
Accession Number: 20180205–5145.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–806–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–02–05_Attachment FF Consolidation and True-Up Filing to be effective 12/6/2017.
Filed Date: 2/5/18.
Accession Number: 20180205–5148.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–807–000.
Applicants: Pinal Central Energy Center, LLC.
Description: Baseline eTariff Filing: Pinal Central Energy Center, LLC Application for Market-Based Rates to be effective 3/15/2018.
Filed Date: 2/5/18.
Accession Number: 20180205–5157.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–808–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4042; Queue No. Y3–109 to be effective 1/17/2018.
Filed Date: 2/5/18.
Accession Number: 20180205–5158.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–809–000.
Applicants: FirstEnergy Solutions Corp.
Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to its Affiliate, The Potomac Edison Company.
Filed Date: 2/5/18.
Accession Number: 20180205–5162.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–810–000.
Applicants: FirstEnergy Solutions Corp.
Description: FirstEnergy Solutions Corp. Request for Authorization to Make Wholesale Power Sales to Affiliate, West Penn Power.
Filed Date: 2/5/18.
Accession Number: 20180205–5171.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–812–000.
Applicants: Public Service Company of New Hampshire.
Description: Notice of Cancellation of letter agreement (Rate Schedule No. 178) of Public Service Company of New Hampshire.
Filed Date: 2/5/18.
Accession Number: 20180205–5177.
Comments Due: 5 p.m. ET 2/26/18.

Docket Numbers: ER18–813–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: UAMPS Construction Agmt ? St. George 4th Circuit Energization to be effective 4/9/2018.
Filed Date: 2/6/18.
Accession Number: 20180206–5075.
Comments Due: 5 p.m. ET 2/27/18.

Docket Numbers: ER18–814–000.
Applicants: Carlsbad Energy Center LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 2/7/2018.
Filed Date: 2/6/18.
Accession Number: 20180206–5077.
Comments Due: 5 p.m. ET 2/27/18.

Docket Numbers: ER18–815–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to Tariff, Attachment Q RE: Regulation Resource Credit to be effective 4/9/2018.
Filed Date: 2/6/18.
Accession Number: 20180206–5120.
Comments Due: 5 p.m. ET 2/27/18.

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: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02777 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13213–012]

Lock 14 Hydro Partners, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for a non-capacity amendment to the license.
b. *Project No.:* 13213–012.
c. *Date Filed:* December 15, 2017.
d. *Applicant:* Lock 14 Hydro Partners, LLC.
e. *Name of Project:* Heidelberg Hydroelectric Project.
f. *Location:* This project will be located at the Kentucky River Authority's Lock and Dam No. 14 on the Kentucky River, near the Town of Heidelberg, in Lee County, Kentucky.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. David Brown Kinloch, Lock 14 Hydro Partners, LLC, 414 S. Wenzel Street, Louisville, KY 40204, (502) 589–0975.

i. *FERC Contact:* Zeena Aljibury, (202) 502–6065, *zeena.aljibury@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* March 8, 2018.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–13213–012.

k. *Description of Request:* Lock 14 Hydro Partners, LLC requests approval for an amendment to the license for the Heidelberg Hydroelectric Project. Lock 14 Hydro Partners, LLC is proposing to change the powerhouse design approved in the license to simplify the project's design and better protect the generating equipment during extreme floods that can occur on the Kentucky River. Lock 14 Hydro Partners, LLC is proposing to use 5 Flygt submersible turbine-generators with a total generating capacity of 2.64 megawatts (MW), as opposed to the authorized 4 conventional Kaplan turbines (also with a total generating capacity of 2.64 MW). The 5 Flygt turbine-generators would have a total hydraulic capacity of 2,193 cubic feet per second (cfs), as opposed to the total hydraulic capacity authorized for the Kaplan units of 2,100 cfs. The applicant states that this slight increase in the maximum hydraulic capacity should have no impact on fish entrainment since the inlet speed at the trashrack would still be well below the maximum inlet speed of 1.5 feet per second in the project license.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. 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, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. 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: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02786 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

February 6, 2018.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–27–000.

Applicants: NorthWestern Corporation.

Description: Tariff filing per 284.123(b),(e)/: Revised Rate Schedules for Transportation and Storage Service (D2017.11.86) to be effective 1/1/2018; Filing Type: 980.

Filed Date: 1/31/18.

Accession Number: 201801315068.

Comments/Protests Due: 5 p.m. ET 2/21/18.

Docket Numbers: RP17–913–002.

Applicants: Natural Gas Pipeline Company of America.

Description: Compliance filing Compliance Filing.

Filed Date: 2/1/18.

Accession Number: 20180201–5112.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–408–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20180201 Annual PRA to be effective 4/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5041.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–409–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (FPL 41619–17) to be effective 2/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5071.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–410–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Pivotal 34691 to Sequent 49016) to be effective 2/1/2018.
Filed Date: 2/1/18.
Accession Number: 20180201–5074.
Comments Due: 5 p.m. ET 2/13/18.
Docket Numbers: RP18–411–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Newfield 18 to SW Energy 1945) to be effective 2/2/2018.
Filed Date: 2/1/18.
Accession Number: 20180201–5088.
Comments Due: 5 p.m. ET 2/13/18.
Docket Numbers: RP18–412–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Neg Rate Nonconforming Mitsui Co Cameron LNG SP326297 to be effective 3/1/2018.
Filed Date: 2/1/18.
Accession Number: 20180201–5107.
Comments Due: 5 p.m. ET 2/13/18.
Docket Numbers: RP18–413–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Neg Rate Agmt (DTE 41614) to be effective 2/1/2018.
Filed Date: 2/1/18.
Accession Number: 20180201–5111.
Comments Due: 5 p.m. ET 2/13/18.
Docket Numbers: RP18–414–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Limited Partnership submits its Semi-Annual Transporter's Use Report under RP18–414.
Filed Date: 1/31/18.
Accession Number: 20180131–5294.
Comments Due: 5 p.m. ET 2/12/18.
Docket Numbers: RP18–416–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) Rate Filing: Update to Title Page Negotiated Rate Agreements to be effective 3/2/2018.
Filed Date: 2/2/18.
Accession Number: 20180202–5082.
Comments Due: 5 p.m. ET 2/14/18.
Docket Numbers: RP18–417–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: § 4(d) Rate Filing: TPC Administrative Filing to be effective 3/5/2018.
Filed Date: 2/2/18.
Accession Number: 20180202–5119.
Comments Due: 5 p.m. ET 2/14/18.
Docket Numbers: RP18–418–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2018–02–02 BP, CP to be effective 2/3/2018.
Filed Date: 2/2/18.
Accession Number: 20180202–5165.
Comments Due: 5 p.m. ET 2/14/18.
Docket Numbers: RP18–419–000.
Applicants: Dominion Energy Cove Point LNG, LP.
Description: § 4(d) Rate Filing: DECP—Liquefaction Project (CP13–113) Services, Neg. Rates, & Nonconforming SAs to be effective 3/5/2018.
Filed Date: 2/2/18.
Accession Number: 20180202–5189.
Comments Due: 5 p.m. ET 2/14/18.

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 date(s). 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–02772 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13214–015]

Lock 12 Hydro Partners, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for a non-capacity amendment to the license.

b. *Project No.:* 13214–015.

c. *Date Filed:* December 15, 2017.

d. *Applicant:* Lock 12 Hydro Partners, LLC.

e. *Name of Project:* Ravenna Hydroelectric Project.

f. *Location:* This project will be located at the Kentucky River Authority's Lock and Dam No. 12 on the Kentucky River, near the Town of Ravenna, in Estill County, Kentucky.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. David Brown Kinloch, Lock 12 Hydro Partners, LLC, 414 S. Wenzel Street, Louisville, KY 40204, (502) 589–0975.

i. *FERC Contact:* Zeena Aljibury, (202) 502–6065, *zeena.aljibury@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* March 8, 2018.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–13214–015.

k. *Description of Request:* Lock 12 Hydro Partners, LLC requests approval for an amendment to the license for the Ravenna Hydroelectric Project. Lock 12 Hydro Partners, LLC is proposing to change the powerhouse design approved in the license to simplify the project's design and better protect the generating equipment during extreme floods that can occur on the Kentucky River. Lock 12 Hydro Partners, LLC is proposing to use 5 Flygt submersible turbine-generators with a total generating capacity of 2.64 megawatts (MW), as opposed to the authorized 4 conventional Kaplan turbines (also with a total generating capacity of 2.64 MW). The 5 Flygt turbine-generators would have a total hydraulic capacity of 2,193 cubic feet per second (cfs), as opposed to the total hydraulic capacity authorized for the Kaplan units of 2,100 cfs. The applicant states that this slight increase in the maximum hydraulic capacity should have no impact on fish entrainment since the inlet speed at the trashrack would still be well below the maximum inlet speed of 1.5 feet per second in the project license.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be

viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. 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, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. 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: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02784 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–784–000]

Upstream Wind Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Upstream Wind Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 26, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02776 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7569–006]

University of Notre Dame; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection. Please note that this application was previously noticed by the Commission on October 3, 2017. However, due to a clerical error, the Commission is reissuing this notice for public comment. There have been no significant changes to the exemptee's application since the October 3, 2017.

a. *Type of Application:* Application to amend 5 MW exemption from licensing.

b. *Project No.:* 7569–006.

c. *Date Filed:* April 24, 2017, and supplemented on September 21, 2017.

d. *Applicant:* University of Notre Dame.

e. *Name of Project:* South Bend Hydroelectric Project.

f. *Location:* The project is located on the St. Joseph River in St. Joseph County, Indiana.

g. *Filed Pursuant to:* 18 CFR 4.104 (2016).

h. *Applicant Contact:* Mr. Paul A. Kempf, University of Notre Dame, 100 Facilities Building, Notre Dame, IN 46556, (574) 631–0142.

i. *FERC Contact:* Jennifer Polardino, (202) 502–6437, or *Jennifer.Polardino@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations 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. Please include the project number (P–7569–006) on any comments, motions to intervene, protests, or recommendations filed.

k. *Project as Authorized:* The South Bend project consists of: (1) An existing reservoir with a surface area of 150 acres and a storage capacity of 800 acre-feet at a pool elevation of 680 feet mean sea level; (2) an existing concrete and timber-crib dam approximately 18-feet-high and 435 feet long; (3) powerhouse containing one 50-kilowatt (kW) and two 890 kW generating units, for a total authorized capacity of 1,830 kW; and (4) appurtenant facilities.

l. *Description of Request:* The exemptee requests approval to amend the exemption for the South Bend Hydroelectric Project with the following modifications to the project's facilities: Ten 250 kilowatt (kW) units for a total generating capacity of 2,500 kW; a 390-foot-long conveyance channel, a coarse trash rack at the inlet to the conveyance channel; a secondary trash rack with a traveling brush; and a 1.5 mile long, 1.47 kilovolt transmission line buried from the hydro site to the tie-in point at the Notre Dame campus. The proposed modifications would require changes to the project's boundary.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

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, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading, the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. 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: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02785 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2035–099]

City and County of Denver, Colorado; Notice of Availability of Supplemental Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 Code of Federal Regulations (CFR) Part 380, Commission staff prepared a Supplemental Environmental Assessment (Supplemental EA), to supplement a U.S. Army Corps of Engineers' (Corps) Final Environmental Impact Statement (Final EIS) completed on April 25, 2014. The Corps' Final EIS addressed a proposal by the City and County of Denver, Colorado (Denver Water) to enlarge its Moffat Collection System. The Commission acted as a cooperating agency in the preparation of the Final EIS because Gross Reservoir, a component of the Moffat Collection System which would be enlarged under the proposal, is also a feature of the Commission-licensed Gross Reservoir Hydroelectric Project No. 2035. On November 25, 2016, Denver Water filed with the Commission its application to raise the project's Gross Dam, enlarge Gross Reservoir, and amend the project license. The project is located on South Boulder Creek near the City of Boulder, Boulder County, Colorado. It occupies a total of 1,056.92 acres of federal lands within the Roosevelt National Forest administered by the U.S. Forest Service, and lands administered by the U.S. Bureau of Land Management.

The Supplemental EA analyzes potential environmental effects specific to a Commission approval of Denver Water's proposal, including amendment of the project license, which were not addressed in the 2014 Final EIS. Based on staff's independent analysis in the Supplemental EA, a Commission approval of Denver Water's proposal, as

mitigated by the environmental measures discussed in the Supplemental EA, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the Supplemental EA 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/docs-filing/efiling.asp* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

All comments on the Supplemental EA must be filed by March 8, 2018, and should reference Project No. 2035–099. The Commission strongly encourages electronic filing. Please file comments using the Commission's efiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

For further information, contact Rebecca Martin by telephone at 202–502–6012 or by email at *Rebecca.Martin@ferc.gov.*

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02781 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14691–001]

Lock +™ Hydro Friends Fund XXIX; Notice of Surrender of Preliminary Permit

Take notice that Lock +™ Hydro Friends Fund XXIX, permittee for the proposed Columbia Lock and Dam Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on May 17, 2016, and would have expired on April 30, 2019.[1] The project would have been located on the Ouachita River in Caldwell County, Louisiana.

The preliminary permit for Project No. 14691 will remain in effect until the close of business, March 8, 2018. If the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[2] New applications for this site may not be submitted until after the permit surrender is effective.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02788 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–42–000.

Applicants: McBride Place Energy, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of McBride Place Energy, LLC.

Filed Date: 2/2/18.

Accession Number: 20180202–5211.

Comments Due: 5 p.m. ET 2/23/18.

Docket Numbers: EG18–43–000.

Applicants: Wy'East Solar, LLC.

Description: Notice of Self-Certification of Wy'East Solar, LLC.

Filed Date: 2/5/18.

Accession Number: 20180205–5099.

Comments Due: 5 p.m. ET 2/26/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–343–008; ER13–342–012; ER16–700–001; ER16–701–001.

Applicants: CPV Shore, LLC, CPV Maryland, LLC, CPV Towantic, LLC, CPV Valley, LLC.

Description: Second Supplement to June 30, 2017 Market Power Update of CPV Maryland, LLC, et al.

Filed Date: 2/2/18.

Accession Number: 20180202–5215.

Comments Due: 5 p.m. ET 2/23/18.

Docket Numbers: ER18–792–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Over-Collected Losses Tariff Revisions to be effective 5/1/2018.

Filed Date: 2/2/18.

Accession Number: 20180202–5180.

Comments Due: 5 p.m. ET 2/23/18.

Docket Numbers: ER18–801–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: Third Amended and Restated Corn Belt Interconnection Agreement to be effective 4/7/2018.

Filed Date: 2/5/18.

Accession Number: 20180205–5100.

Comments Due: 5 p.m. ET 2/26/18.

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: February 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–02771 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ18–8–000]

City of Anaheim, California; Notice of Filing

Take notice that on December 20, 2017, City of Anaheim, California submits tariff filing: City of Anaheim, California 2018 TRBAA Update to be effective 1/1/2018.

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

[1] 154 FERC ¶ 62,094 (2016).

[2] 18 CFR 385.2007(a)(2) (2017).

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 February 16, 2018.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02780 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–12–000]

Natural Gas Pipeline Company of America LLC; Notice of Schedule for Environmental Review of the Herscher Northwest Storage Field Abandonment Project

On October 31, 2017, Natural Gas Pipeline Company of America LLC (Natural) filed an application in Docket No. CP18–12–000 requesting permission pursuant to Section 7(b) of the Natural Gas Act to abandon certain facilities. The proposed project is known as the Herscher Northwest Storage Field Abandonment Project (Project), and is located in Kankakee County, Illinois.

On November 8, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—April 12, 2018
90-Day Federal Authorization Decision Deadline—July 11, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Natural proposes to abandon in place injection/withdrawal wells, pipeline laterals, and observation wells, and abandon by removal Compressor Station 202 and ancillary aboveground facilities belonging to its Herscher Northwest natural gas storage field in Kankakee, Illinois. Natural would also abandon in place approximately 15.3 billion cubic feet of non-recoverable cushion gas.

Background

On January 2, 2018 the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the proposed Herscher Northwest Storage Field Abandonment Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from the U.S. Environmental Protection Agency (EPA). The primary issue raised by the EPA is potential impacts on groundwater.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP18–12), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02778 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–807–000]

Pinal Central Energy Center, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Pinal Central Energy Center, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 26, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be

listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02779 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14673–001]

Lock +™ Hydro Friends Fund II; Notice of Surrender of Preliminary Permit

Take notice that Lock +™ Hydro Friends Fund II, permittee for the proposed Coffeeville Lock and Dam Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on June 3, 2016, and would have expired on May 31, 2019.[1] The project would have been located on the Tombigbee River, in Clark and Choctaw Counties, Alabama.

The preliminary permit for Project No. 14673 will remain in effect until the close of business, March 8, 2018. If the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[2] New applications for this site may not be submitted until after the permit surrender is effective.

[1] 154 FERC ¶ 62,094 (2016).

[2] 18 CFR 385.2007(a)(2) (2017).

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02787 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–27–000.

Applicants: NorthWestern Corporation.

Description: Tariff filing per 284.123(b),(e)/: Revised Rate Schedules for Transportation and Storage Service (D2017.11.86) to be effective 1/1/2018; Filing Type: 980.

Filed Date: 1/31/18.

Accession Number: 201801315068.

Comments/Protests Due: 5 p.m. ET 2/21/18.

Docket Numbers: RP17–913–002.

Applicants: Natural Gas Pipeline Company of America.

Description: Compliance filing Compliance Filing.

Filed Date: 2/1/18.

Accession Number: 20180201–5112.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–408–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20180201 Annual PRA to be effective 4/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5041.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–409–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (FPL 41619–17) to be effective 2/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5071.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–410–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Pivotal 34691 to Sequent 49016) to be effective 2/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5074.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–411–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Newfield 18 to SW Energy 1945) to be effective 2/2/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5088.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–412–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Volume No. 2—Neg Rate Nonconforming Mitsui Co Cameron LNG SP326297 to be effective 3/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5107.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–413–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Neg Rate Agmt (DTE 41614) to be effective 2/1/2018.

Filed Date: 2/1/18.

Accession Number: 20180201–5111.

Comments Due: 5 p.m. ET 2/13/18.

Docket Numbers: RP18–414–000.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Great Lakes Gas Transmission Limited Partnership submits its Semi-Annual Transporter's Use Report under RP18–414.

Filed Date: 1/31/18.

Accession Number: 20180131–5294.

Comments Due: 5 p.m. ET 2/12/18.

Docket Numbers: RP18–416–000.

Applicants: Viking Gas Transmission Company.

Description: § 4(d) Rate Filing: Update to Title Page Negotiated Rate Agreements to be effective 3/2/2018.

Filed Date: 2/2/18.

Accession Number: 20180202–5082.

Comments Due: 5 p.m. ET 2/14/18.

Docket Numbers: RP18–417–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: § 4(d) Rate Filing: TPC Administrative Filing to be effective 3/5/2018.

Filed Date: 2/2/18.

Accession Number: 20180202–5119.

Comments Due: 5 p.m. ET 2/14/18.

Docket Numbers: RP18–418–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: Neg Rate 2018–02–02 BP, CP to be effective 2/3/2018.

Filed Date: 2/2/18.

Accession Number: 20180202–5165.

Comments Due: 5 p.m. ET 2/14/18.

Docket Numbers: RP18–419–000.

Applicants: Dominion Energy Cove Point LNG, LP.

Description: § 4(d) Rate Filing: DECP—Liquefaction Project (CP13–113)

Services, Neg. Rates, & Nonconforming SAs to be effective 3/5/2018.

Filed Date: 2/2/18.

Accession Number: 20180202–5189.

Comments Due: 5 p.m. ET 2/14/18.

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 date(s). 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: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02782 Filed 2–9–18; 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.

Docket No.	File date	Presenter or requester
Prohibited		
1. P–2100–000	1–22–2018	Sandra L. Bosch.
2. CP17–101–000	1–24–2018	Chuck Clarke.
3. CP17–101–000	1–24–2018	Judith Mills.
4. CP17–101–000	1–24–2018	David Vasconi.
5. CP17–101–000	1–24–2018	Dean Homer.
6. CP17–101–000	1–24–2018	David DeCristo.
7. CP17–101–000	1–24–2018	Colin Diehl.
8. CP17–101–000	1–24–2018	Sandy Spencer.
9. CP17–101–000	1–24–2018	Steven Yost.
10. CP17–101–000	1–24–2018	Charles Oldroyd.
11. CP17–101–000	1–24–2018	Rick Porvaznik.
12. CP17–101–000	1–24–2018	John Whitten.
13. CP17–101–000	1–24–2018	Charles Whitlach.
14. P–2100–000	1–30–2018	Yuba-Sutter Farm Bureau.
15. P–2100–000	1–30–2018	Donald J. Blake, Jr.
Exempt		
1. P–2100–000	1–23–2018	U.S. Senator Dianne Feinstein.
2. CP16–10–000	1–23–2018	U.S. House Representative H. Morgan Griffin.
3. P–12966–004 P–12966–005 EL18–56–000	1–24–2018	U.S. Congress [1].
4. P–2100–000	1–30–2018	Butte County, California. Board of Supervisors.

Docket No.	File date	Presenter or requester
5. P–2100–000	2–1–2018	City of Live Oak, California. Mayor Alesksandra M. Tica.

[1] Senators Orrin Hatch and Mike Lee. House Representatives Rob Bishop, Chris Stewart, Mia Love, and John Curtis.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02775 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14672–001]

Lock +™ Hydro Friends Fund III; Notice of Surrender of Preliminary Permit

Take notice that Lock +™ Hydro Friends Fund III, permittee for the proposed Selden Lock and Dam Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on June 3, 2016, and would have expired on May 31, 2019.[1] The project would have been located on the Black Warrior River, in Green and Hale Counties, Alabama.

The preliminary permit for Project No. 14672 will remain in effect until the close of business, March 8, 2018. If the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[2] New applications for this site may not be submitted until after the permit surrender is effective.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02790 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2839–015]

Village of Lyndonville Electric Department; Notice of Technical Meeting

a. *Date and Time of Meeting:* February 21, 2018 at 9:00 a.m. Eastern Standard Time.

b. *Place:* Telephone conference.

c. *FERC Contact:* Bill Connelly at *william.connelly@ferc.gov,* or (202) 502–8587.

d. *Purpose of Meeting:* Commission Staff is hosting a technical meeting to discuss the findings of the Village of Lyndonville Electric Department's Archeological Resource Assessment and Historic Properties Assessment filed on August 25, 2017 and the concerns about the Project Area of Potential Effect (APE) expressed by the State of Vermont, Division for Historic Preservation, filed October 30, 2017.

e. A summary of the meeting will be prepared and filed in the Commission's public file for the project.

f. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate by phone. Please call Bill Connelly at (202) 502–8587 by February 20, 2018, to RSVP and to receive specific instructions on how to participate.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02783 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF18–1–000]

Northern Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Planned Northern Lights 2019 Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Northern Lights 2019 Expansion Project involving construction and operation of facilities by Northern Natural Gas Company (Northern) in Olmsted, Freeborn, Mower, Morrison, Carver, Hennepin, Wright, Le Sueur, Rice, and Steele Counties, Minnesota. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 8, 2018.

If you sent comments on this project to the Commission before the opening of this docket on October 10, 2017, you will need to file those comments in Docket No. PF18–1–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC website (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

[1] 154 FERC 62,094 (2016).

[2] 18 CFR 385.2007(a)(2) (2017).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF18–1–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Planned Project

The Northern Lights 2019 Expansion Project includes two components in Minnesota— the Rochester Expansion and the Northern Lights 2019 Expansion. For the Rochester Expansion component, Northern plans to:

- Construct 12.3 miles of 16-inch-diameter pipeline, referred to as the Rochester greenfield lateral;
- increase the maximum allowable operating pressure (MAOP) of 8 miles of the La Crosse branch line;
- relocate the La Crosse MAOP control valve assembly; and
- construct the Rochester Town Border Station.

For the Northern Lights 2019 Expansion component, Northern plans to construct:

- 4.2 miles of 8-inch-diameter pipeline extending the existing Alexandria branch line;
- 3.1 miles of 24-inch-diameter looping [1] of the existing Wilmar D branch line;
- 9.9 miles of 24-inch-diameter pipeline, referred to as the Rockford to Buffalo greenfield lateral;
- 1.6 miles of 16-inch-diameter looping of the existing New Prague branch line;
- a 15,900-horsepower Solar Mars turbine compressor unit at the existing Faribault Compressor Station;
- a 15,900-horsepower Solar Mars turbine compressor unit and appurtenant facilities at the existing Owatonna Compressor Station; and
- a new 11,153-horsepower compressor station near Carver, Minnesota.

The Rochester Expansion component of the project would provide 37,093 dekatherms per day of incremental capacity to meet the future growth needs in the area of Rochester, Minnesota. The Northern Lights 2019 Expansion component would help Northern meet the incremental natural gas needs of Minnesota. According to Northern, its project is designed to optimize the placement of facilities to meet customer needs.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the planned facilities would disturb about 627 acres of land for the aboveground facilities and the pipeline. Following construction, Northern would maintain about 204 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 38 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- socioeconomics;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Minnesota State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Northern. This preliminary list of issues may change based on your comments and our analysis.

- Impact on landowners from noise and dust during construction of the pipelines.
- Compatibility of pipelines with existing and future land uses, including zoning restrictions on adjacent properties.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Northern files its application with the Commission, you may want to become an intervenor which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Instructions for becoming an intervenor are in the Document-less Intervention Guide under the e-filing link on the Commission's website. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF18–1). Be sure you have selected an appropriate date range. 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. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 6, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02774 Filed 2–9–18; 8:45 am]

BILLING CODE 6717–01–P

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0033; FRL–9974–08–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Modification of Secondary Treatment Requirements for Discharges Into Marine Waters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''Modification of Secondary Treatment Requirements for Discharges into Marine Waters'' (EPA ICR No. 0138.11, OMB Control No. 2040–0088) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Public comments were previously requested via the **Federal Register** on June 29, 2017, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before March 14, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2003–0033, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental

Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Virginia Fox-Norse, Oceans, Wetlands and Communities Division, Office of Water, (4504T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202 566–1266; fax number: 202 566–1337; email address: *fox-norse.virginia@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, EPA 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.*

Abstract: Regulations implementing section 301(h) of the Clean Water Act (CWA) are found at 40 CFR part 125, subpart G. The section 301(h) program involves collecting information from two sources: (1) The municipal wastewater treatment facility, commonly called a publicly owned treatment works (POTW), and (2) the state in which the POTW is located. A POTW holding a current waiver or reapplying for a waiver provides application, monitoring, and toxic control program information. The state provides information on its determination whether the discharge under the proposed conditions of the waiver ensures the protection of water quality, biological habitats, and beneficial uses of receiving waters and whether the discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. The state also provides information to certify that the discharge will meet all applicable state laws and that the state accepts all permit conditions. There are 4 situations where information will be required under the section 301(h) program: (1) A POTW reapplying for a section 301(h) waiver. As the permits with section 301(h) waivers reach their expiration dates, EPA must have updated information on the discharge to determine whether the section 301(h) criteria are still being met and whether the section 301(h) waiver should be reissued. (2) Monitoring and toxic control program information: Once a waiver has been granted, EPA must continue to assess whether the discharge is meeting section 301(h) criteria, and that the receiving water quality, biological habitats, and beneficial uses of the receiving waters are protected. To do this, EPA needs monitoring information furnished by the permittee. (3) Application revision information: Section 125.59(d) of 40 CFR allows a POTW to revise its application one time only, following a tentative decision by EPA to deny the waiver request. In its application revision, the POTW usually corrects deficiencies and changes proposed treatment levels as well as outfall and diffuser locations. The application revision is a voluntary submission for the applicant, and a letter of intent to revise the application must be submitted within 45 days of EPA's tentative decision (40 CFR 125.59(f)). (4) State determination and state certification information: For revised or renewal applications for section 301(h) waivers, EPA needs a state determination. The state determines whether all state laws (including water quality standards) are satisfied. This helps ensure that water quality, biological habitats, and beneficial uses of receiving waters are protected. Additionally, the state must determine if the applicant's discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. EPA also needs the CWA section 401(a)(1) certification information to ensure that all state water quality laws are met by any permit it issues with a section 301(h) modification, and the state accepts all the permit conditions. This information is the means by which the state can exercise its authority to concur with or deny a section 301(h) decision made by the EPA Regional Office.

Form Numbers: None.

Respondents/affected entities: Municipalities that currently have section 301(h) waivers from secondary treatment, or have applied for a renewal of a section 301(h) waiver, and the states within which these municipalities are located.

Respondent's obligation to respond: Required to obtain or retain a benefit.

Estimated number of respondents: 34 (total).

Frequency of response: From once every five years, to varies case-by-case, depending on the category of information.

Total estimated burden: 40,040 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1.1 million (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to changes in respondent universe, program status, information needs, and use of technology.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–02792 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9974–33–OARM]

National and Governmental Advisory Committees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: Under the Federal Advisory Committee Act, EPA gives notice of a public meeting of the he National Advisory Committee (NAC) and the Governmental Advisory Committee (GAC). The NAC and GAC provide advice to the EPA Administrator on a broad range of environmental policy, technology, and management issues. NAC/GAC members represent academia, business/industry, non-governmental organizations, and state, local and tribal governments. The purpose of the meeting is for the NAC/GAC to provide advice on trade and environment issues related to the North American Agreement on Environmental Cooperation. A copy of the meeting agenda will be posted at *https://www.epa.gov/faca/nac-gac.*

DATES: The NAC/GAC will hold a public meeting on Thursday, April 26, 2018 from 9:00 a.m. to 5:30 p.m., (EST) and Friday, April 27, 2018 from 9:00 a.m. until 3:00 p.m., (EST).

ADDRESSES: The meeting will be held at the EPA Headquarters, William Jefferson Clinton South Building, Room 6045, 1201 Constitution Avenue NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, *carrillo.oscar@epa.gov,* (202) 564–0347, U.S. EPA, Office of Resources, Operations and Management; Federal Advisory Committee Management Division (MC1601M), 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NAC/GAC should be sent to Oscar Carrillo at *carrillo.oscar@epa.gov* by April 19th. The meeting is open to the public, on a first-come, first-served basis. Members of the public wishing to participate in the meeting should contact Oscar Carrillo via email or by calling (202) 564–0347 no later than April 19th.

Meeting Access: Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Oscar Carrillo at the email address or phone number listed above. To ensure adequate time for processing, please make requests for accommodations at least 10 days prior to the meeting.

Dated: January 30, 2018.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2018–02814 Filed 2–9–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 18–98]

Disability Advisory Committee; Announcement of Next Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date of the next meeting of the Commission's Disability Advisory Committee (Committee or DAC). The meeting is open to the public. During this meeting, members of the Committee will receive and discuss summaries of activities and recommendations from its subcommittees.

DATES: The Committee's next meeting will take place on Wednesday, February 28, 2018, from 9:00 a.m. to approximately 3:30 p.m. (EST).

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Will Schell, Consumer and Governmental Affairs Bureau: 202–418–0767 (voice); email: *DAC@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established in December 2014 to make recommendations to the Commission on a wide array of disability matters within the jurisdiction of the Commission, and to facilitate the participation of people with disabilities in proceedings before the Commission. The Committee is organized under, and operated in accordance with, the provisions of the Federal Advisory Committee Act (FACA). The Committee held its first meeting on March 17, 2015. At its February 28, 2018 meeting, the Committee is expected to receive and consider: A report and recommendation from its Video Programming Subcommittee regarding best practices for the aural description (for people who are blind or visually impaired) of visual but non-textual emergency information provided by broadcasters; reports on the activities of its Relay & Equipment Distribution Subcommittee; reports on the activities of its Technology Transitions Subcommittee; and reports on the activities of its Emergency Communications Subcommittee. The Committee is also expected to receive presentations from Commission staff or others on matters of interest to the Committee. A limited amount of time may be available on the agenda for comments and inquiries from the public. The public may comment or ask questions of presenters via the email address *livequestions@fcc.gov.*

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. If making a request for an accommodation, please include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible by sending an email to *fcc504@fcc.gov* or calling the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). Last minute requests will be accepted, but may be impossible to fill. The meeting will be webcast with open captioning, at: *www.fcc.gov/live.*

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

Federal Communications Commission.

Suzanne Singleton,

Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau.

[FR Doc. 2018–02695 Filed 2–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 18–40]

Partial Lift of Freeze on Filing Petitions for Rulemaking To Change Television Stations Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces that the Media Bureau is partially lifting the freeze on filing rulemaking petitions to change a full power television station's community of license, where no technical facility change is required.

DATES: February 12, 2018.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, *Joyce.Bernstein@fcc.gov,* or Kevin Harding, *Kevin.Harding@fcc.gov,* Video Division, Media Bureau, Federal Communications Commission.

SUPPLEMENTARY INFORMATION: On August 3, 2004, in connection with the development of a channel election and repacking process in advance of the DTV transition, the Media Bureau imposed a freeze on the filing of petitions requesting new channels or service areas for full power television stations in order to ensure a stable database in connection with that process. Although the DTV transition was completed in 2009, the Commission continued the freezes as a result of the National Broadband Plan, which recommended that the Commission reallocate spectrum for new broadband services and repack television channels to increase the efficiency of channel use. Auction 1000, which was conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, was completed on April 13, 2017, and a 39-month post-auction transition period is underway during which some broadcast television stations will be relicensed to new channel assignments.

Because the DTV transition is complete and the post-incentive auction transition is underway, it is no longer necessary to freeze community of license petitions that do not require a change in the station's service area. The freeze on the filing of petitions for rulemaking for new station channel allotments, for changes in licensed

stations' channels, or to change community of license which include changes in authorized technical facilities, remain in place.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2018–02794 Filed 2–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1156]

Information Collection Being Submitted to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 14, 2018.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of Commission ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the Commission's submission to OMB will be displayed.

OMB Control No.: 3060–1156.

Title: 47 CFR 43.82, Annual International Circuit Capacity Reports.

Form No.: N/A.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents: 65 respondents; 185 responses.

Estimated Time per Response: 1–14 hours.

Frequency of Response: Annual reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The Commission's statutory authority for this information collection under Sections 1, 4(i), 4(j), 11, 201–205, 214, 219–220, 303(r), 309, and 403 of the Communications Act as amended, 47 U.S.C. 151, 154(i), 154(j), 161, 201–205, 214, 219–220, 303(r), 309, and 403, the Cable Landing License Act of 1921, 47 U.S.C. 34–39, and 3 U.S.C. 301.

Total Annual Burden: 1,085 hours.

Annual Cost Burden: $2,400.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information. The Commission, however, will allow filing entities to seek confidential treatment of their data.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a revision of an existing information collection, titled ''47 CFR 43.62, Annual Reporting Requirements for U.S. Providers of International Services and Circuits.'' The purpose of the revision is to obtain OMB approval of the annual reporting requirements under the newly adopted 47 CFR 43.82 which will require that entities holding capacity on submarine cables file electronically annual circuit capacity reports, in a format set out in a Filing Manual. The Commission is requesting a revision of OMB Control No. 3060–1156 in order to obtain final approval for the requirements in 47 CFR 43.82, the filing manual, and the electronic filing of the data.

Previously, U.S. providers of international services were required to file annual traffic and revenue reports and circuit capacity reports as required by 47 CFR 43.62. The Commission has adopted rules changes that eliminate the traffic and revenue reports and further streamline the circuit capacity reports. Upon OMB approval of this collection, 47 CFR 43.62 will be eliminated and replaced with 47 CFR 43.82 for the filing of circuit capacity reports.

The current title of OMB Control No. 3060–1156 is ''47 CFR 43.62, Annual Reporting Requirements for U.S. Providers of International Services and Circuits.'' The Commission would like to change the title to ''47 CFR 43.82, Annual International Circuit Capacity Reports'' in order to more accurately describe the information collection requirements under 47 CFR Section 43.82.

The uses to which the Commission puts the information from the annual circuit capacity report, and the Registration Form are as follows:

(a) Annual Circuit Capacity Reports [Section 43.82 (a)]

The circuit capacity reports are comprised of two parts. First, licensees of a submarine cable extending between the United States and a foreign point as of December 31 of the reporting period report the available capacity and planned capacity of the cable—the cable operators report. Second, each cable landing licensee and common carrier that holds capacity on the U.S. end of a submarine cable extending between the United States and a foreign point as of December 31 of the reporting period (''capacity holders'') reports its available capacity on the U.S. end of every submarine cable between the United States and any foreign point on which it holds capacity as of that date—the capacity holders report. A holding of capacity is an interest in the U.S. end of an international submarine cable

through cable ownership, an indefeasible right of use (IRU), or an inter-carrier lease (ICL).

The Commission uses the circuit capacity data for such purposes as analyzing international transport markets in merger reviews. More importantly, these data are essential for our national security and public safety responsibilities in regulating communications, an important linchpin of the Commission's statutory authority. Submarine cables are critical infrastructure and the circuit capacity data are important for the Commission's contributions to the national security and defense of the United States. The Commission uses the data, for example, to have a complete understanding of the ownership and use of submarine cable capacity and to assist in the protection, restoration, and resiliency of the infrastructure during national security or public safety emergencies, such as hurricanes. The Department of Homeland Security (DHS) filed comments stating that it also finds this information to be critical to its national and homeland security functions, and states that this information, when combined with other data sources, is used to protect and preserve national security and for its emergency response purposes. There are no alternative reliable third party commercial sources for the reported data. Although some sources collect general capacity information from cable owners, neither the FCC nor DHS has found any alternative sources for capacity holder data. Commercial source data may include capacity information, but the data are not verified by company officials and do not include capacity holder data. Although the Commission obtains the ownership and location of individual cables through the licensing process, distribution of a cable's capacity among providers is not required to be reported under our current submarine cable licensing rules and is provided only annually through the Circuit Capacity Reports. Further, the Commission's licensing rules do not require an applicant to include the entities that have acquired capacity on the cable through an IRU or ICL.

(b) Registration Form [Section 43.82 (b)]

The Registration Form provides basic information about the filing and about the entity itself—such as address, phone number, email address, and the international Section 214 authorizations and cable landing licenses held by the filer. This information will assist in keeping track of who holds international circuit capacity and how to contact them. The Registration Form also includes a certification by the filing entity to certify the accuracy and completeness of its report. The Registration Form provides the means by which the filing entity may request confidential treatment of the data filed in the report.

(c) Filing Manual [Section 43.82(c)]

The Filing Manual sets forth instructions on how to file the reports.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–02691 Filed 2–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

[NOTICE 2018–03]

Price Index Adjustments for Expenditure Limitations and Lobbyist Bundling Disclosure Threshold

AGENCY: Federal Election Commission.

ACTION: Notice of adjustments to expenditure limitations and lobbyist bundling disclosure threshold.

SUMMARY: As mandated by provisions of the Federal Election Campaign Act (''the Act''), the Federal Election Commission (''the Commission'') is adjusting certain expenditure limitations and the lobbyist bundling disclosure threshold set forth in the Act, to index the amounts for inflation. Additional details appear in the supplemental information that follows.

DATES: These adjustments are applicable January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 999 E Street NW, Washington, DC 20463; (202) 694–1100 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Under the Federal Election Campaign Act, 52 U.S.C. 30101–46, coordinated party expenditure limits (52 U.S.C. 30116(d)(3)) and the disclosure threshold for contributions bundled by lobbyists (52 U.S.C. 30104(i)(3)(A)) are adjusted periodically to reflect changes in the consumer price index. *See* 52 U.S.C. 30104(i)(3), 30116(c); 11 CFR 109.32, 110.17(a), (f). The Commission is publishing this notice to announce the adjusted limits and disclosure threshold for 2018.

Coordinated Party Expenditure Limits for 2018

Under 52 U.S.C. 30116(c), the Commission must adjust the expenditure limitations established by 52 U.S.C. 30116(d) (the limits on expenditures by national party committees, state party committees, or their subordinate committees in connection with the general election campaign of candidates for Federal office) annually to account for inflation. This expenditure limitation is increased by the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 1974). 52 U.S.C. 30116(c).

1. Expenditure Limitation for House of Representatives in States With More Than One Congressional District

Both the national and state party committees have an expenditure limitation for each general election held to fill a seat in the House of Representatives in states with more than one congressional district. *See* 52 U.S.C. 30116(d)(3)(B). This limitation also applies to the District of Columbia and territories that elect individuals to the office of Delegate or Resident Commissioner.[1] *Id.* The formula used to calculate the expenditure limitation in such states and territories multiplies the base figure of $10,000 by the difference in the price index (4.97135), rounding to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B), (d)(3)(B); 11 CFR 109.32(b), 110.17. Based upon this formula, the expenditure limitation for 2018 general elections for House candidates in these states, districts, and territories is $49,700.

2. Expenditure Limitation for Senate and for House of Representatives in States With Only One Congressional District

Both the national and state party committees have an expenditure limitation for a general election held to fill a seat in the Senate or in the House of Representatives in states with only one congressional district. *See* 52 U.S.C. 30116(d)(3)(A). The formula used to calculate this expenditure limitation considers not only the price index but also the voting age population (''VAP'') of the state. *Id.* The VAP figures used to calculate the expenditure limitations were certified by the U.S. Census Bureau. The VAP of each state is also published annually in the **Federal Register** by the U.S. Department of Commerce. 11 CFR 110.18. The general election expenditure limitation is the

[1] Currently, these are the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, the United States Virgin Islands and the Northern Mariana Islands. *See http://www.house.gov/representatives.*

greater of: The base figure ($20,000) multiplied by the difference in the price index, 4.97135 (which totals $99,400); or $0.02 multiplied by the VAP of the state, multiplied by 4.97135. Amounts are rounded to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B), (d)(3)(A); 11 CFR 109.32(b), 110.17. The chart below provides the state-by-state breakdown of the 2018 general election expenditure limitation for Senate elections. The expenditure limitation for 2018 House elections in states with only one congressional district [2] is $99,400.

SENATE GENERAL ELECTION COORDINATED EXPENDITURE LIMITS—2018 ELECTIONS [3]

State	Voting age population (VAP)	VAP × .02 × the price index (4.97135)	Senate expenditure limit (the greater of the amount in column 3 or $99,400)
Alabama	3,779,274	$375,800	$375,800
Alaska	554,867	55,200	99,400
Arizona	5,382,780	535,200	535,200
Arkansas	2,298,739	228,600	228,600
California	30,476,517	3,030,200	3,030,200
Colorado	4,345,321	432,000	432,000
Connecticut	2,844,358	282,800	282,800
Delaware	757,455	75,300	99,400
Florida	16,782,417	1,668,600	1,668,600
Georgia	7,914,681	786,900	786,900
Hawaii	1,121,794	111,500	111,500
Idaho	1,273,151	126,600	126,600
Illinois	9,904,838	984,800	984,800
Indiana	5,093,409	506,400	506,400
Iowa	2,413,764	240,000	240,000
Kansas	2,200,585	218,800	218,800
Kentucky	3,443,650	342,400	342,400
Louisiana	3,575,930	355,500	355,500
Maine	1,083,273	107,700	107,700
Maryland	4,704,671	467,800	467,800
Massachusetts	5,489,864	545,800	545,800
Michigan	7,785,662	774,100	774,100
Minnesota	4,277,949	425,300	425,300
Mississippi	2,270,533	225,800	225,800
Missouri	4,730,561	470,300	470,300
Montana	821,604	81,700	99,400
Nebraska	1,444,343	143,600	143,600
Nevada	2,312,576	229,900	229,900
New Hampshire	1,084,022	107,800	107,800
New Jersey	7,026,626	698,600	698,600
New Mexico	1,599,980	159,100	159,100
New York	15,694,902	1,560,500	1,560,500
North Carolina	7,971,073	792,500	792,500
North Dakota	579,621	57,600	99,400
Ohio	9,053,374	900,100	900,100
Oklahoma	2,971,579	295,500	295,500
Oregon	3,269,157	325,000	325,000
Pennsylvania	10,141,022	1,008,300	1,008,300
Rhode Island	852,307	84,700	99,400
South Carolina	3,919,695	389,700	389,700
South Dakota	654,810	65,100	99,400
Tennessee	5,208,482	517,900	517,900
Texas	20,938,557	2,081,900	2,081,900
Utah	2,175,134	216,300	216,300
Vermont	506,832	50,400	99,400
Virginia	6,600,844	656,300	656,300
Washington	5,759,927	572,700	572,700
West Virginia	1,446,139	143,800	143,800
Wisconsin	4,512,839	448,700	448,700
Wyoming	442,832	44,000	99,400

[2] Currently, these states are: Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont and Wyoming. *See http://www.house.gov/representatives/.*

[3] This expenditure limit does not apply to the District of Columbia, the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands. *See* 52 U.S.C. 30116(d)(3)(A); 11 CFR 109.32(b)(2)(i).

Limitations on Contributions by Individuals, Non-Multicandidate Committees and Certain Political Party Committees Giving to U.S. Senate Candidates for the 2017–2018 Election Cycle

For the convenience of the readers, the Commission is also republishing the contribution limitations for individuals, non-multicandidate committees and for certain political party committees giving to U.S. Senate candidates and national party committees for the 2017–2018 election cycle:

Statutory provision	Statutory amount	2017–2018 limit
52 U.S.C. 30116(a)(1)(A)	$2,000	$2,700
52 U.S.C. 30116(a)(1)(B)	25,000	33,900
52 U.S.C. 30116(h)	35,000	47,400

Lobbyist Bundling Disclosure Threshold for 2018

The Act requires certain political committees to disclose contributions bundled by lobbyists/registrants and lobbyist/registrant political action committees once the contributions exceed a specified threshold amount. 52 U.S.C. 30104(i)(1), (3)(A). The Commission must adjust this threshold amount annually to account for inflation. 52 U.S.C. 30104(i)(1). The disclosure threshold is increased by multiplying the $15,000 statutory disclosure threshold by 1.21588, the difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 2006). The resulting amount is rounded to the nearest multiple of $100. *See* 52 U.S.C. 30104(i)(3), 30116(c)(1)(B); 11 CFR 104.22(g). Based upon this formula ($15,000 × 1.21588), the lobbyist bundling disclosure threshold for calendar year 2018 is $18,200.

On behalf of the Commission.

Dated: January 29, 2018.

Caroline C. Hunter,

Chair, Federal Election Commission.

[FR Doc. 2018–02163 Filed 2–9–18; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 83 FR 4657.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, February 6, 2018 at 10:00 a.m.

CHANGES IN THE MEETING: This meeting was continued on Thursday, February 8, 2018.

* * * * *

CONTACT FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–02945 Filed 2–8–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 5, 2018.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Allen D. Soffer, as Trustee of the Donald G. Soffer 1995 Decanted Family Trust dated January 29, 2018, St. Louis, Missouri;* to acquire shares of St. Louis Bancshares, Inc., Town & Country, Missouri, and thereby indirectly acquire shares of Saint Louis Bank, Town and Country, Missouri.

Board of Governors of the Federal Reserve System, February 7, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–02819 Filed 2–9–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 9, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Heritage First Bancshares, Inc.;* to become a bank holding company by acquiring 100 percent of the outstanding shares of Heritage First Bank, both of Rome, Georgia.

Board of Governors of the Federal Reserve System, February 7, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–02818 Filed 2–9–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Request for Assistance for Child Victims of Human Trafficking.

OMB No.: 0970–0362.

Description: The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, Public Law 110–457, directs the U.S. Secretary of Health and Human Services (HHS), upon receipt of credible information that an alien child may have been subjected to a severe form of trafficking in persons and is seeking Federal assistance available to victims of trafficking, to promptly determine if the child is eligible for interim assistance. The law further directs the Secretary of HHS to determine if a child receiving interim assistance is eligible for assistance as a victim of a severe form of trafficking in persons after consultation with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe form of trafficking.

In developing procedures for collecting the necessary information from potential child victims of trafficking, their case managers, attorneys, or other representatives to allow HHS to grant interim eligibility, HHS devised a form. HHS has determined that the use of a standard form to collect information is the best way to ensure requestors are notified of their option to request assistance for child victims of trafficking and to make prompt and consistent determinations about the child's eligibility for assistance.

Specifically, the form asks the requestor for his/her identifying information, for information on the child, information describing the type of trafficking and circumstances surrounding the situation, and the strengths and needs of the child. The form also asks the requestor to verify the information contained in the form because the information could be the basis for a determination of an alien child's eligibility for federally funded benefits. Finally, the form takes into consideration the need to compile information regarding a child's circumstances and experiences in a non-directive, child-friendly way, and assists the requestor in assessing whether the child may have been subjected to trafficking in persons.

The information provided through the completion of a Request for Assistance for Child Victims of Human Trafficking form will enable HHS to make prompt determinations regarding the eligibility of an alien child for interim assistance, inform HHS' determination regarding the child's eligibility for assistance as a victim of a severe form of trafficking in persons, facilitate the required consultation process, and enable HHS to assess potential child protection issues.

HHS proposes to make several small, technical changes to the form, including the elimination of an unnecessary paragraph and updated references to the Trafficking Victims Protection Act of 2000, as amended, to reflect changes to that law.

Respondents: Representatives of governmental and nongovernmental entities providing social, legal, or protective services to alien persons under the age of 18 (children) in the United States who are neither U.S. citizens nor Lawful Permanent Residents and who may have been subjected to severe forms of trafficking in persons.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for Assistance for Child Victims of Human Trafficking	40	1	1	40

Estimated Total Annual Burden Hours: 40.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV. Attn:* Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–02730 Filed 2–9–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB No.: 0970–0401.

Description: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that the Administration for Children and

Families' programs are effective and meet our customers' needs we use a generic clearance process to collect qualitative feedback on our service delivery. This collection of information is necessary to enable ACF to garner customer and stakeholder feedback in an efficient timely manner, in accord with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient and satisfying experience with the programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or change in operation might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between ACF and its customer and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

This request is an extension of the ''generic fast-track'' process offered to all government agencies by OMB in 2010. Fast-tack means each request receives approval five days after submission, if no issues are brought to ACF's attention by OMB within the five days.

Respondents: Individuals, State and Local Governments, and Tribes.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey	10,000	1	0.5	5,000

Estimated Total Annual Burden Hours:

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW, Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–02800 Filed 2–9–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–E–2327]

Determination of Regulatory Review Period for Purposes of Patent Extension; GILOTRIF

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for GILOTRIF and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 13, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 April 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 13, 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–2014–E–2327 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; GILOTRIF.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product GILOTRIF (afatinib dimaleate). GILOTRIF is indicated for the first-line treatment of patients with metastatic non-small cell lung cancer whose tumors have epidermal growth factor receptor exon 19 deletions or exon 21 substitution mutations as detected by an FDA approved test. Subsequent to this approval, the USPTO received a patent term restoration application for GILOTRIF (U.S. Patent No. RE43,431) from Boehringer Ingelheim Pharma Gmbh & Co., KG, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 3, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of GILOTRIF represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for GILOTRIF is 3,453 days. Of this time, 3,213 days occurred during the testing phase of the regulatory review period, while 240 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* January 30, 2004. FDA has verified the Boehringer Ingelheim Pharma Gmbh & Co., KG claim that January 30, 2004, is the date the investigational new drug application (IND) became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b)of the FD&C Act:* November 15, 2012. FDA has verified the applicant's claim that the new drug application (NDA) for GILOTRIF (NDA 201292) was initially submitted on November 15, 2012.

3. *The date the application was approved:* July 12, 2013. FDA has verified the applicant's claim that NDA 201292 was approved on July 12, 2013. This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,057 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely comply with all the requirements of § 60.30, including but

not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 6, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02767 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0179]

Training Program for Regulatory Project Managers; Information Available to Industry

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA's) Center for Drug Evaluation and Research (CDER) is announcing the continuation of the Regulatory Project Management Site Tours and Regulatory Interaction Program (the Site Tours Program). The purpose of this document is to invite pharmaceutical companies interested in participating in this program to contact CDER.

DATES: Pharmaceutical companies may send proposed agendas to the Agency by April 13, 2018.

FOR FURTHER INFORMATION CONTACT: Dan Brum, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5480, Silver Spring, MD 20993–0002, 301–796–0578, *dan.brum@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

An important part of CDER's commitment to make safe and effective drugs available to all Americans is optimizing the efficiency and quality of the drug review process. To support this primary goal, CDER has initiated various training and development programs to promote high performance in its regulatory project management staff. CDER seeks to significantly enhance review efficiency and review quality by providing the staff with a better understanding of the pharmaceutical industry and its operations. To this end, CDER is continuing its training program to give regulatory project managers the opportunity to tour pharmaceutical facilities. The goals are to provide the following: (1) Firsthand exposure to industry's drug development processes and (2) a venue for sharing information about project management procedures (but not drug-specific information) with industry representatives.

II. The Site Tours Program

In this program, over a 2- to 3-day period, small groups (five or less) of regulatory project managers, including a senior level regulatory project manager, can observe operations of pharmaceutical manufacturing and/or packaging facilities, pathology/toxicology laboratories, and regulatory affairs operations. Neither this tour nor any part of the program is intended as a mechanism to inspect, assess, judge, or perform a regulatory function, but is meant rather to improve mutual understanding and to provide an avenue for open dialogue. During the Site Tours Program, regulatory project managers will also participate in daily workshops with their industry counterparts, focusing on selective regulatory issues important to both CDER staff and industry. The primary objective of the daily workshops is to learn about the team approach to drug development, including drug discovery, preclinical evaluation, tracking mechanisms, and regulatory submission operations. The overall benefit to regulatory project managers will be exposure to project management, team techniques, and processes employed by the pharmaceutical industry. By participating in this program, the regulatory project manager will grow professionally by gaining a better understanding of industry processes and procedures.

III. Site Selection

All travel expenses associated with the Site Tours Program will be the responsibility of CDER; therefore, selection will be based on the availability of funds and resources for each fiscal year. Selection will also be based on firms having a favorable facility status as determined by FDA's Office of Regulatory Affairs District Offices in the firms' respective regions. Firms that want to learn more about this training opportunity or that are interested in offering a site tour should respond by sending a proposed agenda by email directly to Dan Brum (see **DATES** and **FOR FURTHER INFORMATION CONTACT**).

Dated: February 6, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02793 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–E–2373]

Determination of Regulatory Review Period for Purposes of Patent Extension; IMBRUVICA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for IMBRUVICA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 April 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 13, 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. Furthermore, any interested person may petition FDA for a determination regarding whether the

applicant for extension acted with due diligence during the regulatory review period by August 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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–2014–E–2373 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; IMBRUVICA.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product IMBRUVICA (ibrutinib). IMBRUVICA is indicated for treatment of patients with mantle cell lymphoma who have received at least one prior therapy. This indication is based on overall response rate. An improvement in survival of disease-related symptoms has not been established. Subsequent to this approval, the USPTO received a patent term restoration application for IMBRUVICA (U.S. Patent No. 8,008,309) from Pharmacyclics, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 20, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of IMBRUVICA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for IMBRUVICA is 1,865 days. Of this time, 1,726 days occurred during the testing phase of the regulatory review period, while 139 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21*

U.S.C. 355(i)) became effective: October 7, 2008. The applicant claims September 8, 2008, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 7, 2008, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* June 28, 2013. FDA has verified the applicant's claim that the new drug application (NDA) for IMBRUVICA (NDA 205552) was initially submitted on June 28, 2013.

3. *The date the application was approved:* November 13, 2013. FDA has verified the applicant's claim that NDA 205552 was approved on November 13, 2013.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 320 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02791 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5897]

Packaging, Storage, and Disposal Options To Enhance Opioid Safety—Exploring the Path Forward; Public Workshop; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or Agency) is extending the comment period for the notice announcing the public workshop entitled ''Packaging, Storage, and Disposal Options To Enhance Opioid Safety—Exploring the Path Forward'' that appeared in the **Federal Register** on October 31, 2017, and was held on December 11–12, 2017. That notice requested comments by February 12, 2018; FDA is extending the comment period until March 16, 2018, in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the public workshop ''Packaging, Storage, and Disposal Options To Enhance Opioid Safety—Exploring the Path Forward'' published October 31, 2017 (82 FR 50429). Submit either electronic or written comments by March 16, 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 March 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 16, 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–2017–N–5897 for ''Packaging, Storage, and Disposal Options To Enhance Opioid Safety—Exploring the Path Forward; Public Workshop; Request for Comments.'' 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.

FOR FURTHER INFORMATION CONTACT: Irene Z. Chan, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4420, Silver Spring, MD, 20993–0002, 301–796–3962, *Irene.Chan2@fda.hhs.gov;* or Michelle Eby, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4422, Silver Spring, MD, 20993–0002, 301–796–4714, *Michelle.Eby@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

In the **Federal Register** of October 31, 2017 (82 FR 50429), FDA published a notice announcing a public workshop entitled ''Packaging, Storage, and Disposal Options to Enhance Opioid Safety—Exploring the Path Forward,'' which was held on December 11–12, 2017. That notice requested comments on the role of packaging, storage, and disposal options within the larger landscape of activities aimed at addressing abuse, misuse, or inappropriate access of prescription opioid drug products (opioids); guiding principles and considerations for the design of packaging, storage, and disposal options for opioids; integrating packaging, storage, and disposal options into existing health care and pharmacy systems, including both open and closed health care systems; data needs and how to address challenges in assessing the impact of packaging, storage, and disposal options in both the premarket and postmarket settings; and ways in which FDA could encourage the development and assessment of packaging, storage, and disposal options for opioids that have the potential to enhance opioid safety. The notice requested comments by February 12, 2018; FDA is extending the comment period until March 16, 2018. The Agency believes this extension allows adequate time for interested persons to submit comments.

Dated: February 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02803 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–1685]

Determination of Regulatory Review Period for Purposes of Patent Extension; DALVANCE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for DALVANCE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 April 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 13, 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. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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–2015–E–1685 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; DALVANCE.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product DALVANCE (dalbavancin). DALVANCE is indicated for acute bacterial skin and skin structure infections caused by designated susceptible strains of Gram-positive microorganisms. Subsequent to this approval, the USPTO received a patent term restoration application for DALVANCE (U.S. Patent No. 6,900,175) from Vicuron Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 2, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of DALVANCE represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for DALVANCE is 5,033 days. Of this time, 1,592 days occurred during the testing phase of the regulatory review period, while 3,441 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* August 13, 2000. The applicant claims August 11, 2000, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 13, 2000, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 21, 2004. FDA has verified the applicant's claim that the new drug application (NDA) for DALVANCE (NDA 21883) was initially submitted on December 21, 2004.

3. *The date the application was approved:* May 23, 2014. FDA has verified the applicant's claim that NDA 21883 was approved on May 23, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,612 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02768 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–2079]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRAVECTO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BRAVECTO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that animal drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 13, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 April 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 13, 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–2015–E–2079 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BRAVECTO.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21

U.S.C. 360b(j)) became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA has approved for marketing the animal drug product BRAVECTO (fluralaner). BRAVECTO is indicated for treatment and control of flea infestations (*Ctenocephalides felis*), and the treatment and control of tick infestations (*Ixodes scapularis* (black legged tick), *Dermacentor variabilis* (American dog tick), and *Rhipicephalus sanguineus* (brown dog tick)) for 12 weeks in dogs and puppies 6 months of age and older, and weighing 4.4 pounds or greater. It is also indicated for the treatment and control of *Amblyomma americanum* (lone star tick) infestations for 8 weeks in dogs and puppies 6 months of age and older and weighing 4.4 pounds or greater. Subsequent to this approval, the USPTO received a patent term restoration application for BRAVECTO (U.S. Patent No. 7,662,972) from Nissan Chemical Industries, Ltd., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 19, 2015, FDA advised the USPTO that this animal drug product had undergone a regulatory review period and that the approval of BRAVECTO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BRAVECTO is 1,017 days. Of this time, 979 days occurred during the testing phase of the regulatory review period, while 38 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the FD&C Act (21 U.S.C. 355(i)) became effective:* August 4, 2011. The applicant claims February 19, 2010, as the date the investigational new animal drug application (INAD) became effective. However, FDA records indicate that the INAD effective date was August 4, 2011, which was the date a major health or environmental effects test was begun or the date on which the Agency acknowledged the filing of a notice of claimed investigational exemption for a new animal drug, whichever was earlier.

2. *The date the application was initially submitted with respect to the animal drug product under section 512 of the FD&C Act:* April 8, 2014. FDA has verified the applicant's claim that the new animal drug application (NADA) for BRAVECTO (NADA 141–426) was submitted on April 8, 2014.

3. *The date the application was approved:* May 15, 2014. FDA has verified the applicant's claim that NADA 141–426 was approved on May 15, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 792 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02761 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–2725]

Determination of Regulatory Review Period for Purposes of Patent Extension; BELSOMRA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BELSOMRA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 13, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 April 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 13, 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–2015–E–2725 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BELSOMRA.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product BELSOMRA (suvorexant). BELSOMRA is indicated for treatment of insomnia, characterized by difficulties with sleep onset and/or sleep maintenance. Subsequent to this approval, the USPTO received a patent term restoration application for BELSOMRA (U.S. Patent No. 7,951,797) from Merck Sharp & Dohme Corp., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 15, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of BELSOMRA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BELSOMRA is 2,291 days. Of this time, 1,577 days occurred during the testing phase of the regulatory review period, while 714 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* May 7, 2008. The applicant claims May 10, 2008, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was May 7, 2008, which was the date FDA notified the applicant that the IND studies may proceed.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* August 30, 2012. FDA has verified the applicant's claim that the new drug application (NDA) for BELSOMRA (NDA 204569)

was initially submitted on August 30, 2012.

3. *The date the application was approved:* August 13, 2014. FDA has verified the applicant's claim that NDA 204569 was approved on August 13, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks zero days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02763 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5624]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Content and Format of Labeling for Human Prescription Drugs and Biological Products; Requirements for Pregnancy and Lactation Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 14, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0624. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Content and Format of Labeling for Human Prescription Drugs and Biological Products; Requirements for Pregnancy and Lactation Labeling

OMB Control Number 0910–0624—Extension

This information collection supports Agency regulations regarding the content and format requirements for pregnancy and lactation labeling. In the **Federal Register** of December 4, 2014 (79 FR 72064), FDA published a final rule entitled ''Content and Format of Labeling for Human Prescription Drug and Biological Products; Requirements for Pregnancy and Lactation Labeling.'' The final rule amended FDA regulations concerning the content and format of the ''Pregnancy,'' ''Labor and delivery,'' and ''Nursing mothers'' subsections of the ''Use in Specific Populations'' section of the labeling for human prescription drugs. The regulations now require, among other things, a summary of the risks of using a drug during pregnancy and lactation and a discussion of the data supporting that summary. The labeling must also include relevant information to help health care providers make prescribing decisions and counsel women about the use of drugs during pregnancy and lactation. The final rule eliminated the pregnancy categories A, B, C, D, and X. In addition, FDA eliminated the ''Labor and delivery'' subsection because the ''Pregnancy'' subsection includes information on labor and delivery. The final rule also required that the labeling include relevant information about pregnancy testing, contraception, and infertility for health care providers prescribing for females and males of reproductive potential. In addition, the final rule provided for a 10-year implementation schedule for compliance with the relevant regulations. As the implementation schedule is realized, FDA plans to discontinue this separate information collection and incorporate the provisions into existing collections as appropriate.

The content and format requirements apply to:

- Applications submitted on or after June 30, 2015 (§§ 314.50 (21 CFR 314.50), 314.70(b) (21 CFR 314.70(b)), 601.2 (21 CFR 601.2), and 601.12(f)(1)) (21 CFR 601.12(f)(1));
- amendments to applications pending on June 30, 2015 (§§ 314.60 (21 CFR 314.60), 601.2, and 601.12(f)(1));
- supplements to applications approved from June 30, 2001, to June 30, 2015 (§§ 314.70(b) and 601.12(f)(1)); and
- annual reports for applications approved before June 30, 2001, that contain a pregnancy category, to report removal of the pregnancy category letter in their labeling (§§ 314.70(d) and 601.12(f)(3)).

Under § 201.57(c)(9)(i) and (ii) (21 CFR 201.57(c)(9)(i) and (ii)), holders of approved applications must provide new labeling content in a new format—that is, to rewrite the pregnancy and lactation portions of each drug's labeling. Section 201.57(c)(9)(iii) requires that labeling must include the

new subsection 8.3, ''Females and males of reproductive potential.'' Application holders are required to submit prior approval supplements to their approved applications before distribution of the new labeling, as required in § 314.70(b) or § 601.12(f)(1) (21 CFR 601.12(f)(1)).

Under 21 CFR 201.80(f)(6)(i), holders of approved applications are required to remove the pregnancy category designation (*e.g.,* ''Pregnancy Category C'') from the ''Pregnancy'' subsection of the ''Precautions'' section of the labeling. These application holders must report the labeling change in their annual reports, as required in § 314.70(d) or § 601.12(f)(3).

In the **Federal Register** of October 4, 2017 (82 FR 46248), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. Two comments were received in response to the notice, however both comments discussed specific requirements found in FDA regulations rather than the four information collection topics solicited in our notice under the PRA. We have therefore not made adjustments to our burden estimate for the information collection, which is as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Type of submission (21 CFR section)	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
New NDAs/ANDAs/BLAs/efficacy supplements submitted on or after June 30, 2015, including amendments to applications pending as of June 30, 2015 (§§ 314.50, 314.60, 314.70(b), 601.2, 601.12(f)(1)).	390	~10	4,000 (Submitted during 10-year period after June 30, 2015).	40	160,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of submission (21 CFR section)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Supplements to applications approved June 30, 2001 to June 30, 2015 (§§ 314.70(b), 601.12(f)(1)).	390	26	10,150 (Submitted 3rd, 4th, and 5th years after June 30, 2015).	120	1,218,000
Annual report submission of revised labeling for applications that contain a pregnancy category, approved before June 30, 2001 (§§ 314.70(d), 601.12(f)(3)).	320	~17	5,500 (Submitted 3rd year after June 30, 2015).	40	220,000
Total	.....	.....	.....	.....	1,438,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

As indicated in tables 1 and 2, we estimate the burden associated with the information collection to be 1,598,000 hours. We estimate 4,000 applications containing the subject labeling will be submitted by approximately 390 applicants and repackagers and relabelers to FDA over the 10-year period beginning June 30, 2015. This figure (4,000 applications) includes labeling for approximately 800 applications submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 505(b)) or section 351 of the Public Health Service Act (42 U.S.C. 262), 1,200 applications submitted under section 505(j) of the FD&C Act, and 2,000 revised drug product labeling from repackagers and relabelers for approximately 2,000. This estimate also includes labeling amendments submitted to FDA for applications pending as of the effective date of the final rule. We estimate it will take applicants 40 hours to prepare and submit the subject labeling. This estimate applies only to the requirements found in the previous paragraphs and does not indicate the total hours required to prepare and submit complete labeling for these applications. The information collection burden to prepare and submit labeling in accordance with §§ 201.56 (21 CFR 201.56), 201.57, and 201.80 is approved by OMB under control numbers 0910–0572 and 0910–0001.

In addition, during the third, fourth, and fifth years after the effective date of the final rule, the Agency estimates that it will receive approximately 10,150 supplements to applications that were either approved from June 30, 2001, to the effective date or were pending as of the effective date. This estimate includes supplements for approximately 1,080 new drug application (NDAs), and biologics license applications (BLAs), and efficacy supplements; 1,320 abbreviated new drug application (ANDA) supplements; and 7,750 drug product labeling supplements from repackagers and relabelers. FDA estimates 390 application holders, repackagers, and relabelers will submit these supplements, and that it will take 120 hours to prepare and submit each supplement.

Finally, we estimate that application holders will submit 5,500 annual reports to FDA during the third year after the effective date for applications that contain a pregnancy category, approved before June 30, 2001. This estimate includes approximately 1,340 NDAs and BLAs and approximately 4,160 ANDAs containing labeling changes as a result of the final rule. FDA estimates that approximately 320 application holders will submit these annual reports, and that it will take approximately 40 hours for each submission. The burden for this information collection has not increased since the last collection.

Dated: February 6, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02765 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–3877]

Determination of Regulatory Review Period for Purposes of Patent Extension; AKYNZEO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for AKYNZEO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 13, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 13, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 April 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 13, 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–2015–E–3877 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; AKYNZEO.'' 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 § 10.20 (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: *http://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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts

with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product AKYNZEO (netupitant/palonosetron hydrochloride). AKYNZEO is indicated for the prevention of acute and delayed nausea and vomiting associated with initial and repeat courses of cancer chemotherapy including, but not limited to, highly emetogenic chemotherapy. Subsequent to this approval, the USPTO received a patent term restoration application for AKYNZEO (U.S. Patent No. 6,297,375) from Hoffmann-La Roche Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 30, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of AKYNZEO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for AKYNZEO is 1,858 days. Of this time, 1,479 days occurred during the testing phase of the regulatory review period, while 379 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* September 10, 2009. FDA has verified the applicant's claim that September 10, 2009, is the date the investigational new drug application (IND) became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* September 27, 2013. The applicant claims September 25, 2013, as the date the new drug application (NDA) for AKYNZEO (NDA 205718) was initially submitted. However, FDA records indicate that NDA 205718 was submitted on September 27, 2013.

3. *The date the application was approved:* October 10, 2014. FDA has verified the applicant's claim that NDA 205718 was approved on October 10, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,118 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 7, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02756 Filed 2–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Low Income Levels Used for Various Health Professions and Nursing Programs Authorized in Titles III, VII, and VIII of the Public Health Service Act

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is updating income levels used to identify a ''low income family'' for the purpose of determining eligibility for programs that provide health professions and nursing training to individuals from disadvantaged backgrounds. These various programs are authorized in Titles III, VII, and VIII of the Public Health Service Act.

SUPPLEMENTARY INFORMATION: HHS periodically publishes in the **Federal Register** low-income levels to be used by institutions receiving grants and cooperative agreements to determine eligibility for programs providing training for (1) disadvantaged individuals, (2) individuals from disadvantaged backgrounds, or (3) individuals from low-income families. Many health professions and nursing grant and cooperative agreement awardees use the low-income levels to determine whether potential program participants are from an economically disadvantaged background and would be eligible to participate in the program, as well as to determine the amount of funding the individual receives. Awards are generally made to accredited schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, nursing, and chiropractic; public or private nonprofit schools which offer graduate programs in behavioral health and mental health practice; and other public or private nonprofit health or education entities to assist the disadvantaged to enter and graduate from health professions and nursing schools. Some programs provide for the repayment of health professions or nursing education loans for disadvantaged students.

A ''low-income family/household'' for programs included in Titles III, VII, and VIII of the Public Health Service Act is defined as having an annual income that does not exceed 200 percent of the Department's poverty guidelines. A family is a group of two or more

individuals related by birth, marriage, or adoption who live together.

Most HRSA programs use the income of a student's parent(s) to compute low income status. However, a ''household'' may potentially be only one person. Other HRSA programs, depending upon the legislative intent of the program, the programmatic purpose related to income level, as well as the age and circumstances of the participant, will apply these low income standards to the individual student to determine eligibility, as long as he or she is not listed as a dependent on the tax form of his or her parent(s). Each program announces the rationale and choice of methodology for determining low income levels in program guidance.

Low-income levels are adjusted annually based on HHS's poverty guidelines. HHS's poverty guidelines are based on poverty thresholds published by the U.S. Census Bureau, adjusted annually for changes in the Consumer Price Index. The income figures below have been updated to reflect HHS's 2018 poverty guidelines as published in 83 FR 2642 (January 18, 2018).

LOW INCOME LEVELS BASED ON THE 2018 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Persons in family/household *	Income level **
1	$24,280
2	32,920
3	41,560
4	50,200
5	58,840
6	67,480
7	76,120
8	84,760

For families with more than 8 persons, add $8,640 for each additional person.

* Includes only dependents listed on federal income tax forms.

** Adjusted gross income for calendar year 2017.

LOW INCOME LEVELS BASED ON THE 2018 POVERTY GUIDELINES FOR ALASKA

Persons in family/household *	Income level **
1	$30,360
2	41,160
3	51,960
4	62,760
5	73,560
6	84,360
7	95,160
8	105,960

For families with more than 8 persons, add $10,800 for each additional person.

* Includes only dependents listed on federal income tax forms.

** Adjusted gross income for calendar year 2017.

LOW INCOME LEVELS BASED ON THE 2018 POVERTY GUIDELINES FOR HAWAII

Persons in family/household *	Income level **
1	$27,920
2	37,860
3	47,800
4	57,740
5	67,680
6	77,620
7	87,560
8	$97,500

For families with more than 8 persons, add $9,940 for each additional person.

* Includes only dependents listed on federal income tax forms.

** Adjusted gross income for calendar year 2017.

Separate poverty guidelines figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period since the U.S. Census Bureau poverty thresholds do not have separate figures for Alaska and Hawaii. The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. Puerto Rico and other outlying jurisdictions must use the low-income levels table for the 48 contiguous states and the District of Columbia.

Dated: February 5, 2018.

George Sigounas,

Administrator.

[FR Doc. 2018–02707 Filed 2–9–18; 8:45 am]

BILLING CODE 4165–15–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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, 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 for Development of Transcatheter Electrosurgical Devices.

Date: March 2, 2018.

Time: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Stephanie J. Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Suite 7196, Bethesda, MD 20892, 301–827–7992, *stephanie.webb@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel for Non-Surgical Interventional Cardiovascular Medical Devices.

Date: March 2, 2018.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7196, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Stephanie J. Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–827–7992, *stephanie.webb@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Single-Site CLTR Review.

Date: March 13, 2018.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn—Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

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: February 6, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–02717 Filed 2–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed 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, NIDCD.

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 INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS, 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, NIDCD.

Date: March 22, 2018.

Time: 3:30 p.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, Building 31, Room 3C02, 31 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Andrew J. Griffith, Ph.D., MD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 35A Convent Drive, GF 103, Rockville, MD 20892, 301–496–1960, *griffita@nidcd.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://www.nidcd.nih.gov/about/groups/bsc/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 6, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–02718 Filed 2–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0043]

Towing Safety Advisory Committee; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard seeks applications for membership on the Towing Safety Advisory Committee. This Committee advises the Secretary of the Department of Homeland Security on matters relating to the shallow-draft inland and coastal waterway navigation and towing safety.

DATES: Completed applications should reach the U.S. Coast Guard on or before April 10, 2018.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the Towing Safety Advisory Committee that also identifies which membership category the applicant is applying under, along with a résumé detailing the applicant's experience via one of the following methods:

- *By Email: Kenneth.j.doyle@uscg.mil*
- *By Fax:* 202–372–8379; ATTN: Mr. Kenneth J. Doyle, Alternate Designated Federal Officer; or
- *By Mail:* Mr. Kenneth J. Doyle, Alternate Designated Federal Officer, Commandant (CG–OES–2), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Ave. SE, Washington, DC 20593–7509.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth J. Doyle, Alternate Designated Federal Officer of the Towing Safety Advisory Committee; Telephone 202–372–1363; or Email at *Kenneth.J.Doyle@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Towing Safety Advisory Committee is a Federal Advisory Committee which operates under the provisions of the Federal Advisory Committee Act, 5, United States Code, Appendix. The Towing Safety Advisory Committee was established under authority of the Act in the Department of Transportation, (Pub. L. 96–380), which was amended by section 621 of the Coast Guard Authorization Act of 2010, (Pub. L. 111–281); *see* 33 U.S.C. 1231a. The Committee advises the Secretary of Homeland Security on matters relating to the shallow-draft inland and coastal waterway navigation and towing safety. This advice also assists the U.S. Coast Guard in formulating the position of the United States regarding the towing industry in advance of the International Maritime Organization meetings.

It is expected that the Committee will meet at least twice a year in cities with large towing centers of commerce and populated by high concentrations of towing industry and related businesses. It may also meet for extraordinary purposes. Its subcommittees may also meet to consider specific tasks as required. The Committee and its subcommittees may conduct intercessional telephonic meetings when necessary, in response to specific U.S. Coast Guard tasking.

Each Towing Safety Advisory Committee member serves a term of office of up to 3 years. Members may serve a maximum of two consecutive terms. All members serve without compensation from the Federal Government; however, they may receive travel reimbursement and per diem.

We will consider applications for the following five positions that will become vacant on September 30, 2018:

1. Two positions representing the barge and towing industry, reflecting a regional geographical balance;

2. One position representing the offshore mineral and oil supply vessel industry;

3. One position representing shippers; and,

4. One position drawn from the general public to serve as a Special Government Employee.

To be eligible, applicants should have particular expertise, knowledge, and experience regarding shallow-draft inland, coastal waterway, and offshore, navigation and towing safety.

If you are selected as a member drawn from the general public, you will be appointed and serve as a Special Government Employee as defined in section 202(a) of Title 18, United States Code. As a candidate for appointment as a Special Government Employee, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). The Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal Court or as otherwise provided under the Privacy Act (5 U.S.C 552a). Only the Designated U.S. Coast Guard Ethics Official or his or her designee may release a Confidential Financial Disclosure Report. Applicants can obtain this form by going to the website of the Office of Government Ethics (*www.oge.gov*), or by contacting the individual listed above in **FOR FURTHER INFORMATION CONTACT**.

Registered lobbyists are not eligible to serve on Federal Advisory Committees

in an individual capacity. See ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are lobbyists as defined in Title 2 U.S.C. 1602 who are required by Title 2 U.S.C. 1603 to register with the Secretary of the Senate and the Clerk of the House of Representatives. The position we list for a member from the general public would be someone appointed in their individual capacity and would be designated a Special Government Employee as defined in 202 (a) of Title 18, United States Code.

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disabilities and genetic information, age, membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment selections.

If you are interested in applying to become a member of the Committee, send your cover letter and resume to Mr. Kenneth J. Doyle, Alternate Designated Federal Officer of the Towing Safety Advisory Committee via one of the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. All email submittals will receive email receipt confirmation.

Dated: February 6, 2018.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2018–02696 Filed 2–9–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0008]

Assistance to Firefighters Grant Program

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS).

ACTION: Notice of availability of grant application and application deadline.

SUMMARY: Pursuant to the Federal Fire Prevention and Control Act of 1974, as amended, the Administrator of FEMA is publishing this notice describing the Fiscal Year (FY) 2017 Assistance to Firefighters Grant (AFG) Program application process, deadlines, and award selection criteria. This notice explains the differences, if any, between these guidelines and those recommended by representatives of the national fire service leadership during the annual meeting of the Criteria Development Panel, which was held February 27, 2017. The application period for the FY 2017 AFG Program was December 26, 2017, through February 2, 2018, and was announced on the AFG website at *www.fema.gov/firegrants,* as well as at *www.grants.gov.*

DATES: Grant applications for the Assistance to Firefighters Grant Program were accepted electronically at *https://portal.fema.gov,* from December 26, 2017, through February 2, 2018, at 5:00 p.m. Eastern Standard Time.

ADDRESSES: Assistance to Firefighters Grant Branch, DHS/FEMA, 400 C Street SW, 3N, Washington, DC 20472–3635.

FOR FURTHER INFORMATION CONTACT: Catherine Patterson, Branch Chief, Assistance to Firefighters Grant Branch, 1–866–274–0960.

SUPPLEMENTARY INFORMATION: The AFG Program awards grants directly to fire departments, nonaffiliated emergency medical services (EMS) organizations, and State fire training academies (SFTAs) for the purpose of enhancing the health and safety of first responders and improving their abilities to protect the public from fire and fire-related hazards.

Applications for the FY 2017 AFG Program will be submitted and processed online at *https://portal.fema.gov.* Before the application period starts, the FY 2017 AFG Notice of Funding Opportunity (NOFO) was published on the AFG website. The AFG website provides additional information and materials useful to applicants including Frequently Asked Questions, a Get Ready Guide, and a Quick Reference Guide. Based on past AFG application periods, FEMA anticipates the receipt of 10,000 to 15,000 applications for the FY 2017 AFG Program, and the ability to award approximately 2,500 grants.

Congressional Appropriations

For the FY 2017 AFG Program, Congress appropriated $345,000,000 (Department of Homeland Security Appropriations Act, 2017, Pub. L. 115–31). From this amount, $310,500,000 will be made available for AFG awards. In addition, the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2229), requires that a minimum of 10 percent of available funds be expended for Fire Prevention and Safety Grants (FP&S). FP&S awards will be made directly to local fire departments and to local, regional, State, or national entities recognized for their expertise in the fields of fire prevention and firefighter safety research and development. Funds appropriated for FY 2017 will be available for obligation and award until September 30, 2018.

The Federal Fire Prevention and Control Act of 1974 further directs FEMA to administer these appropriations according to the following requirements:

- *Career fire department:* Not less than 25 percent of available grant funds.
- *Volunteer fire department:* Not less than 25 percent of available grant funds.
- *Combination fire department and departments using paid-on-call firefighting personnel:* Not less than 25 percent of available grant funds.
- *Open Competition (career, volunteer, and/or combination fire departments and departments using paid-on-call firefighting personnel):* Not less than 10 percent of available grant funds awarded.
- *Emergency Medical Services Providers including fire departments and nonaffiliated EMS organizations:* Not less than 3.5 percent of available grants funds awarded, with nonaffiliated EMS providers receiving no more than 2 percent of the total available grant funds.
- *State Fire Training Academies:* Not more than 3 percent of available grant funds shall be collectively awarded to State fire training academy applicants, with a maximum of $500,000 per applicant.
- *Vehicles:* Not more than 25 percent of available grant funds may be used for the purchase of vehicles; 10 percent of those vehicle funds will be dedicated to the funding of ambulances. Vehicle funds will be distributed as equally as possible among urban, suburban, and rural community applicants.
- *Micro Grants:* This is a voluntary funding limitation choice made by the applicant for requests submitted within the Operations and Safety activity; it is not an additional funding opportunity. Micro Grants are awards that have a federal participation (share) that does not exceed $25,000. Only fire departments and nonaffiliated EMS organizations are eligible to choose Micro Grants, and the only eligible Micro Grants requests are for Training, Equipment, Personal Protective Equipment (PPE), and Wellness and Fitness activities. Applicants that select Micro Grants as a funding opportunity may receive additional consideration for

award. If an applicant selects Micro Grants in their application, they will be limited in the total amount of funding their organization can be awarded; if they are requesting funding in excess of $25,000 federal participation, they should not select Micro Grants.

Background of the AFG Program

Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. FEMA awards grants on a competitive basis to the applicants that best address the AFG Program's priorities and provide the most compelling justification. Applications that best address AFG priorities, as identified in the Application Evaluation Criteria, will be reviewed by a panel composed of fire service personnel.

AFG has three program activities:

- Operations and Safety
- Vehicle Acquisition
- Regional Projects

The priorities for each activity are fully outlined in the NOFO.

Application Evaluation Criteria

Prior to making a grant award, FEMA is required by 31 U.S.C. 3321, and 41 U.S.C. 2313 to review information available through any Office of Management and Budget (OMB) designated repositories of government-wide eligibility qualification or financial integrity information. Therefore, application evaluation criteria may include the following risk based considerations of the applicant: (1) Financial stability; (2) quality of management systems and ability to meet management standards; (3) history of performance in managing federal awards; (4) reports and findings from audits; and (5) ability to effectively implement statutory, regulatory, or other requirements.

FEMA will rank all complete and submitted applications based on how well they match program priorities for the type of jurisdiction(s) served. Answers to activity specific questions provide information used to determine each application's ranking relative to the stated program priorities.

Funding priorities and criteria for evaluating AFG applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). CDP is comprised of fire service professionals that make recommendations to FEMA regarding the creation of new, or the modification of, previously established funding priorities, as well as developing criteria for awarding grants. The content of the NOFO reflects implementation of CDP's recommendations with respect to the priorities and evaluation criteria for awards.

The nine major fire service organizations represented on the CDP are:

- International Association of Fire Chiefs
- International Association of Fire Fighters
- National Volunteer Fire Council
- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors
- Congressional Fire Service Institute

Review and Selection Process

AFG applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in this notice. Applications with the highest pre-score rankings are then scored competitively by (no less than three) members of the Peer Panel Review process. Applications will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

1. Pre-Scoring Process

The application undergoes an electronic pre-scoring process based on established program priorities listed within the NOFO and answers to activity specific questions within the online application. Application narratives are not reviewed during pre-scoring. Request details and budget information should comply with program guidance and statutory funding limitations. The pre-score is 50 percent of the total application score.

2. Peer Review Panel Process

Applications with the highest pre-score will undergo peer review. The peer review is comprised of fire service representatives recommended by CDP national organizations. The panelists assess the merits of each application based on the narrative section of the application, including the evaluation elements listed in the Narrative Evaluation Criteria below. Panelists will independently score each project within the application, discuss the merits and/or shortcomings of the application with his or her peers, and document the findings. A consensus is not required. The panel score is 50 percent of the total application score.

Narrative Evaluation Criteria

1. Financial Need (25 Percent)

Applicants should describe their financial need and how consistent it is with the intent of the AFG Program. This statement should include details describing the applicant's financial distress, summarized budget constraints, unsuccessful attempts to secure other funding, and proof that their financial distress is out of their control.

2. Project Description and Budget (25 Percent)

This statement should clearly explain the applicant's project objectives and the relationship between those objectives and the applicant's budget and risk analysis. The applicant should describe the activities, including program priorities or facility modifications, ensuring consistency with project objectives, the applicant's mission, and any national, State, and/or local requirements. Applicants should link the proposed expenses to operations and safety, as well as the completion of the project goals.

3. Operations and Safety/Cost Benefit (25 Percent)

Applicants should describe how they plan to address the operations and personal safety needs of their organization, including cost effectiveness and sharing assets. This statement should also include details about gaining the maximum benefits from grant funding by citing reasonable or required costs, such as specific overhead and administrative costs. The applicant's request should also be consistent with their mission and identify how funding will benefit their organization and personnel.

4. Statement of Effect/Impact on Daily Operations (25 Percent)

This statement should explain how these funds will enhance the organization's overall effectiveness. It should address how an award will improve daily operations and reduce the organization's risks. Applicants should include how frequently the requested items will be used, and in what capacity. Applicants should also indicate how the requested items will

help the community and increase the organization's ability to save additional lives or property.

5. Technical Evaluation Process

The highest ranked applications are considered within the fundable range. Applications that are in the fundable range undergo both a technical review by a subject matter expert, as well as a FEMA AFG Branch review prior to being recommended for an award. The FEMA AFG Branch will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending an application for award. Once the technical evaluation process is complete, the cumulative score for each application will be determined and FEMA will generate a final ranking of applications. FEMA will award grants based on this final ranking and the required funding limitations in statute.

Eligible Applicants

Fire Departments: Fire departments operating in any of the 56 States and territories (which include any State of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, or American Samoa) and federally recognized American Indian and Alaska native tribes, or any tribal organization, are eligible grant applicants.

A fire department is an agency or organization having a formally recognized arrangement with a State, territory, local, or tribal authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area.

Nonaffiliated EMS organizations: Nonaffiliated EMS organizations operating in any of the 56 States and territories (which include any State of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico) and any federally recognized Indian tribe or tribal organization are eligible applicants.

A nonaffiliated EMS organization is an agency or organization that is a public or private nonprofit emergency medical services entity providing medical transport that is not affiliated with a hospital and does not serve a geographic area in which emergency medical services are adequately provided by a fire department.

FEMA considers the following as hospitals under the AFG Program:

- Clinics
- Medical centers
- Medical colleges or universities
- Infirmaries
- Surgery centers
- Any other institutions, associations, or foundations providing medical, surgical, or psychiatric care and/or treatment for the sick or injured.

State Fire Training Academies: A SFTA operating in any of the 56 States (which includes any State of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico) are eligible applicants. Applicants must be designated either by legislation or by a Governor's declaration as the sole State fire service training agency within a State. To be eligible, the designated SFTA shall be the only State agency/bureau/division, or entity within that State.

Ineligibility

- To avoid a duplication of benefits, FEMA reserves the right to review all program areas for grant applications where two or more organizations share a single facility. To be eligible as a separate organization, two or more fire departments or nonaffiliated EMS organizations will have different funding streams, personnel rosters, or Employee Identification Numbers (EINs). If two or more organizations share facilities and each submits an application in the same program area (*i.e.* Equipment, Modify Facilities, Personal Protective Equipment, Training, and Wellness and Fitness Programs) FEMA will carefully review each program for eligibility.
- Fire-based EMS organizations are not eligible to apply as nonaffiliated EMS organizations. Fire-based EMS training and equipment must be requested by a fire department under the AFG component program Operations and Safety.
- Eligible applicants may submit only one application for each activity (*e.g.,* Operations and Safety or Regional), but may submit for multiple projects within each activity. Under the Vehicle Activity, applicants may submit one application for vehicles for their department and one separate application to host a Regional vehicle. Duplicate applications (more than one application in the same activity) may be disqualified.
- An Operations and Safety applicant may submit one application for an eligible project (*i.e.,* turn out gear); it may not submit a Regional application for the same project.

Statutory Limits to Funding

Congress has enacted statutory limits to the amount of funding that a grant recipient may receive from the AFG Program in any single fiscal year (15 U.S.C. 2229(c)(2)) based on the population served. Awards will be limited based on the size of the population protected by the applicant, as indicated below. Notwithstanding the annual limits stated below, the FEMA Administrator may not award a grant in an amount that exceeds one percent of the available grants funds in such fiscal year, except where it is determined that such recipient has an extraordinary need for a grant in an amount that exceeds the one percent aggregate limit.

- In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of available grant funds awarded to such recipient shall not exceed $1 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 100,000 people, but not more than 500,000 people, the amount of available grant funds awarded to such recipient shall not exceed $2 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 500,000, but not more than 1 million people, the amount of available grant funds awarded to such recipient shall not exceed $3 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 1 million people but not more than 2,500,000 people, the amount of available grant funds awarded to such recipient shall not exceed $6 million for any fiscal year, but is subject to the one percent aggregate cap of $3,450,000 for FY 2017.
- In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of available grant funds awarded to such recipient shall not exceed $9 million in any fiscal year, but is subject to the one percent aggregate cap of $3,450,000 for FY 2017.
- FEMA may not waive the caps on the maximum amount of available grant funds awarded based upon population.

The cumulative total of the federal share of awards in Operations and Safety, Regional, and Vehicle Acquisition activities will be considered when assessing award amounts and any limitations thereto. Applicants may request funding up to the statutory limit on each of their applications.

For example, an applicant that serves a jurisdiction with more than 100,000 people, but not more than 500,000 people, may request up to $2 million on

their Operations and Safety Application, and up to $2 million on their Vehicle Acquisition request. However, should both grants be awarded, the applicant would have to choose which award to accept if the cumulative value of both applications exceeds the statutory limits.

Cost Sharing and Maintenance of Effort

Grant recipients must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229 (k)(1) and in accordance with applicable federal regulations at 2 CFR part 200, but they are not required to have the cost-share at the time of application nor at the time of award. However, before a grant is awarded, FEMA will contact potential awardees to determine whether the grant recipient has the funding in hand or if the grant recipient has a viable plan to obtain the funding necessary to fulfill the cost-sharing requirement.

In general, an eligible applicant seeking a grant shall agree to make available non-federal funds equal to not less than 15 percent of the grant awarded. However, the cost share will vary as follows based on the size of the population served by the organization:

- Applicants serving areas with populations above 20,000, but not more than 1 million, shall agree to make available non-federal funds equal to not less than 10 percent of the total project cost.
- Applicants that serve populations of 20,000 or less must match the federal grant funds with an amount of non-federal funds equal to 5 percent of the total project cost.

The cost share for SFTAs and joint/regional projects will be based on the population of the entire State or region, respectively, not the population of the host organization.

On a case-by-case basis, FEMA may allow a grant recipient that may already own assets (equipment or vehicles) to use the trade-in allowance/credit value of those assets as ''cash'' for the purpose of meeting the cost-share obligation of their AFG award. In-kind, cost-share matches are not allowed.

Grant recipients under this grant program must also agree to a maintenance of effort requirement as required by 15 U.S.C. 2229 (k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). A grant recipient shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the activities allowable under the NOFO at not less than 80 percent of the average amount of such expenditures in the two fiscal years preceding the fiscal year in which the grant amounts are received.

In cases of demonstrated economic hardship, and on the application of the grant recipient, the Administrator of FEMA may waive or reduce a grant recipient's cost share requirement or maintenance of expenditure requirement. As required by statute, the Administrator of FEMA will establish guidelines for determining what constitutes economic hardship and will publish these guidelines at FEMA's website *www.fema.gov/grants.*

Prior to the start of the FY 2017 AFG application period, FEMA conducted applicant workshops and/or internet webinars to inform potential applicants about the AFG Program. In addition, FEMA provided applicants with information at the AFG website *www.fema.gov/firegrants* to help them prepare quality grant applications. The AFG Help Desk was staffed throughout the application period to assist applicants with the automated application process as well as assistance with any questions they had.

Applicants can reach the AFG Help Desk through a toll-free telephone number during normal business hours (1–866–274–0960) or electronic mail *firegrants@dhs.gov.*

Application Process

Organizations may submit one application per application period in each of the three AFG Program areas (*e.g.,* one application for Operations and Safety, one for Vehicle Acquisition, and/or a separate application to be a Joint/Regional Project host). If an organization submits more than one application for any single AFG Program area (*e.g.,* two applications for Operations and Safety, two for Vehicles, etc.), either intentionally or unintentionally, FEMA will deem all applications submitted by that organization for the particular program to be ineligible for funding.

Applicants accessed the grant application electronically at *https://portal.fema.gov.* The application was also accessible from the U.S. Fire Administration's website *http://www.usfa.fema.gov* and *http://www.grants.gov.* New applicants must register and establish a user name and password for secure access to the grant application. Previous AFG grant applicants must use their previously established user name and passwords.

Applicants answered questions about their grant request that reflect the AFG funding priorities, described below. In addition, each applicant must complete four separate narratives for each project or grant activity requested. Grant applicants will also provide relevant information about their organization's characteristics, call volume, and existing organizational capabilities.

System for Award Management (SAM)

Per 2 CFR 25.200, all federal grant applicants and recipients must register in *https://SAM.gov.* SAM is the Federal Government's System for Awards Management, and registration is free of charge. Applicants must maintain current information in SAM that is consistent with the data provided in their AFG grant application and in the Dun & Bradstreet (DUNS) database. FEMA may not accept any application, process any awards, and consider any payment or amendment requests, unless the applicant or grant recipient has complied with the requirements to provide a valid DUNS number and an active SAM registration. The grant applicant's banking information, EIN, organization/entity name, address, and DUNS number must match the same information provided in SAM.

Criteria Development Panel (CDP) Recommendations

If there are any differences between the published AFG guidelines and the recommendations made by the CDP, FEMA must explain them and publish the information in the **Federal Register** prior to awarding any grant under the AFG Program. For FY 2017, FEMA accepted, and will implement, all of the CDP's recommendations for the prioritization of eligible activities.

Adopted Recommendations for FY 2017

Equipment/Personal Protection Equipment

The FY 2017 NOFO revises and, in some places changes, the priorities for applications submitted for equipment and PPE acquisitions under the Operations and Safety Activity. Under these changes, the FY 2017 NOFO and application now include questions designed to solicit pertinent information from the applicant with regard to the purpose of the request. The criteria are designed to be easier to understand and will assist FEMA in obtaining the necessary information to assess the application request. The numerical scores for each activity line item requested are based on objective criteria in order to reduce the subjectivity of the category itself. The following changes for 2017 are as follows:

- The purposes for applicant's request to acquire equipment have been revised. These new purposes for FY 2017 are ranked by priority as follows:
  - Obtain equipment to achieve

minimum operational and deployment standards for existing missions (high),
- Replace inoperable/broken/damaged to current standard (high),
- Replace obsolete/non-compliant to upgraded technology (medium),
- Increase supply for minimum service requirement due to community growth (low),
- Obtain equipment for new mission (low).

- The purposes for an applicant's request to acquire personal protective gear have been revised. These new purposes for FY 2017 are ranked by priority as follows:
  - Replace damaged broken inoperable equipment to current standard (high),
  - Replace obsolete/non-compliant to upgrade technology (medium),
  - Increase supply for new hires and/or existing firefighters that do not have one set of turnout gear (PPE) or allocated seated positions (high).
- Call volume is a consideration, but only between like departments, *i.e.* career, combination, and/or volunteer. Additional consideration for call volume can contribute to the justification of a new risk and/or the primary first due response area or region.
- Age of equipment terminology changed from ''medium'' to ''intermediate.'' This was done to avoid confusion within similar name in other parts of the NOFO, *i.e.* (Medium) priority.
- Vehicle mounted exhaust systems are now listed under the equipment activity.
- Fire departments and SFTA will have separate lists of allowable equipment that each type of entity may apply for and acquire with AFG funds.
- The following items are now considered a ''medium'' priority for fire department applicants: Props, simulators, mobile data terminals (MDT), and computers used in training and mobile computing devices used on scene.
- EMS training aids with an age category of ''short'' (5–7 year life expectancy) are now eligible expense for FY 2017 (*i.e.,* CPR mannequins, airway training equipment, IVs, etc.).
- Monitoring and sampling devices are now categorized as ''Sampling Devices.'' This was done to avoid confusion within similar specialized monitoring devices, for use in ''medium'' and ''low'' priorities.
- Tow vehicles are now listed under a separate chart in the equipment section to clarify the priority levels between application types, *i.e.* fire department and SFTA.
- Nozzles, appliances, foam inductors are all high priorities and listed in one category. These items were combined and defined with an age category of ''long.''

Wellness and Fitness Micro Grants

- Wellness and Fitness activities are now eligible when applying for a Micro Grant.
- Cancer screening is now available under the Wellness & Fitness activity.
- All NFPA 1583 training has been moved to Wellness & Fitness. This request was previously requested under ''Training.''

Vehicles

- Quint apparatus has been added as a high priority in the Vehicle Acquisition activity.

Authority: 15 U.S.C. 2229.

Dated: February 5, 2018.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–02703 Filed 2–9–18; 8:45 am]

BILLING CODE 9111–64–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0034; OMB No. 1660–0015]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Revisions to National Flood Insurance Program Maps: Application Forms and Instructions for (C)LOMAs and (C)LOMR–Fs

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, without change, of a previously approved information collection for which approval has expired. FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before March 14, 2018.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Todd Steiner, Program Analyst, FEMA, Federal Insurance & Mitigation Administration, at (202) 679–4061 or *Todd.Steiner2@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) is authorized by the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 *et seq.* The Federal Emergency Management Agency (FEMA) administers the NFIP and maintains the maps that depict flood hazard information. The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. If a SFHA has been determined to exist for property and the owner or lessee of the property believes his/her property has been incorrectly included in a SFHA, information can be provided to support removal of the SFHA designation. NFIP regulations, at 44 CFR parts 65 and 70, outline the data that must be submitted by an owner or lessee of property who believes his/her property has been incorrectly included in a SFHA. In order to remove an area from a SFHA, the owner or lessee of the property must submit scientific or technical data demonstrating that the area is ''reasonably safe from flooding'' and not in the SFHA.

This proposed information collection previously published in the **Federal Register** on November 17, 2017 at 82 FR 54402 with a 60 day public comment period. FEMA received no public comments that were relevant to

information collection 1660–0015. This information collection expired on September 30, 2017. FEMA is requesting a reinstatement, without change, of a previously approved information collection for which approval has expired. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Revisions to National Flood Insurance Program Maps: Application Forms and Instructions for (C)LOMAs and (C)LOMR–Fs.

Type of Information Collection: Reinstatement, without change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0015.

Form Titles and Numbers: FEMA Form 086–0–26, Property Information; FEMA Form 086–0–26A, Elevation Form; FEMA Form 086–0–26B, Community Acknowledgement Form; FEMA Form 086–0–22 and FEMA Form 086–0–22A (Spanish), Application Form for Single Residential Lot or Structure Amendments to National Flood Insurance Program Maps.

Abstract: FEMA collects scientific and technical data submissions to determine whether a specific, single-lot property is located within or outside of a Special Flood Hazard Area (SFHA). If the property is determined not to be within a SFHA, FEMA provides a written determination and the appropriate map is modified by a Letter of Map Amendment (LOMA) or a Letter of Map Revision—Based on Fill (LOMR–F). The owner or lessee of a property uses a LOMA or LOMR–F to show that a property is not located within the SFHA, making it possible for the lending institution to waive the flood insurance requirement. If the policyholder decides to maintain insurance on the property, the new determination should result in lower rates.

Affected Public: Individuals and Households; and Business or Other for-Profit Institutes.

Estimated Number of Respondents: 121,116.

Estimated Number of Responses: 121,116.

Estimated Total Annual Burden Hours: 150,725 hours.

Estimated Total Annual Respondent Cost: $6,501,379.

Estimated Respondents' Operation and Maintenance Costs: $24,099,750.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $268,401.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: February 1, 2018.

William H. Holzerland,

Senior Director for Information Management, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–02704 Filed 2–9–18; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0004]

Notice of Critical Infrastructure Partnership Advisory Council Critical Infrastructure Summit

AGENCY: Office of Infrastructure Protection, National Protection and Programs Directorate, DHS.

ACTION: Announcement of public meeting; request for comments.

SUMMARY: The National Protection and Programs Directorate announces the Critical Infrastructure Partnership Advisory Council (CIPAC) Critical Infrastructure Summit. This public meeting is an opportunity to build public awareness of critical infrastructure topics and allows CIPAC members to exchange ideas and engage in interactive discussion on cross-sector key issues, activities, goals, and initiatives within the sixteen (16) critical infrastructure sectors. The intended goal of the meeting is to develop useful and actionable recommendations for the upcoming year. To facilitate public participation, we are inviting public comment on the issues to be considered by the Council at this Summit.

DATES:

Public Comments: Written comments must be received no later than 12:00 p.m. local time on February 27, 2018, in order to be considered by the Council in its meeting.

Meeting: The meeting will be held on Thursday, March 1, 2018 from 8:45 a.m. to 5:00 p.m. local time.

ADDRESSES: The CIPAC Critical Infrastructure Summit will be held at the Hilton Crystal City at Washington Reagan National Airport, Virginia Ballroom, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Public Comments: Written Comments in advance on the meeting agenda topics, identified by docket number ''DHS–2018–0004'', by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting written comments.
- *Email: CIPAC@hq.dhs.gov.* Include docket number DHS–2018–0004 in the subject line of the message.
- *Fax:* 703–603–5190.
- *Mail:* Renee Murphy, Department of Homeland Security, National Protection and Programs Directorate, 245 Murray Lane SW, Mail Stop 0607, Arlington, VA 20598–0607. Please allow a minimum of 2 weeks' time for delivery if submitting comments via mail.

Instructions: All submissions received must include the agency name and the docket number for this notice. All written comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on participating in the upcoming CIPAC Critical Infrastructure Summit, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket and to read public comments received in advance by the CIPAC, go to *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Cheryl Fenoli, 703–603–5087, *CIPAC@hq.dhs.gov*.

SUPPLEMENTARY INFORMATION: CIPAC was established pursuant to section 871 of the Homeland Security Act of 2002, 6 U.S.C. 451. The CIPAC Critical Infrastructure Summit convenes the critical infrastructure owner and operator members of the Sector Coordinating Councils (SCCs), including

their representative trade associations and Federal, State, local, tribal and territorial governmental entities comprising the members of the Government Coordinating Councils (GCCs), including their representative organizations for all sixteen (16) sectors, members of the State, Local, Tribal and Territorial Government Coordinating Council (SLTTGCC), Regional Consortium Coordinating Council (RC3), Critical Infrastructure Cross-Sector Council, and representatives of other Federal agencies to include the Federal Senior Leadership Council with responsibility for critical infrastructure activities.

The March 1, 2018 meeting will include council highlight updates and panel discussions between participating members regarding issues relevant to critical infrastructure security and resilience.

The meeting may adjourn early if the Council has completed its business. For additional information about CIPAC, please consult the CIPAC website, *www.dhs.gov/cipac,* or contact the CIPAC Executive Secretariat by phone at 703–603–5087 or by email at *CIPAC@hq.dhs.gov.*

Public Participation

Meeting Registration Information

Individuals interested in receiving information and updates about the CIPAC Critical Infrastructure Summit may register at *http://www.cvent.com/d/gtqsby.* Registration is not required to attend the CIPAC Critical Infrastructure Summit, however it is encouraged due to in-person seating and virtual attendance capacity limitations. Those attending virtually via webinar can log in to the event at: *https://share.dhs.gov/cipac_summit_mar01/.*

Parties that are interested in presenting comments in-person, on the agenda topics, must register no less than 15 minutes prior to the beginning of the meeting at the meeting location. Oral presentations will be permitted based upon the order of registration. All registrants may not be able to speak if time does not permit.

Public Comment

While this meeting is open to the public, participation in the CIPAC deliberations are limited to council members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations.

Immediately following the ''Council Highlights'' agenda topic, there will be a limited time period for in-person public comments. Only agenda topics identified under ''Meeting Agenda'' in this section may be discussed during the in-person public comment period. Relevant public comments may be submitted in advance in writing or presented in person for the Council to consider. Instructions for submitting comments in writing are found within the **ADDRESSES** caption of this notice, under the heading ''Public Comments''. Be advised that off-topic questions or comments will not be permitted or discussed. In person presentations will be limited to two minutes per speaker, with no more than 10 minutes for all speakers. The Department of Homeland Security may post summaries of in person oral comments online at *www.regulations.gov.*

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 the CIPAC Executive Secretariat at 703–603–5087 as soon as possible.

Meeting Agenda

I. Call to Order
II. CIPAC Open
III. Welcoming Remarks
IV. Keynote
V. Cybersecurity and the Way Forward
VI. Moderated Panel Discussion: Cybersecurity and Critical Infrastructure
VII. Lunch
VIII. Keynote—Global Critical Infrastructure Trends
IX. Moderated Panel Discussion: Soft Targets—Crowded Places
X. Moderated Panel Discussion: Hurricane Season 2017 Lessons Learned
XI. Council Highlights
XII. Public Comment Period
XIII. Closing Remarks
XIV. Adjournment/CIPAC Close

Dated: February 5, 2018.

Renee Murphy,

Designated Federal Officer for the CIPAC, Department of Homeland Security.

[FR Doc. 2018–02817 Filed 2–9–18; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2011–0008]

Request for Applicants for Appointment to the Aviation Security Advisory Committee

AGENCY: Transportation Security Administration, DHS.

ACTION: Committee Management; Request for Applicants.

SUMMARY: The Transportation Security Administration (TSA) is requesting individuals who are interested in serving on the Aviation Security Advisory Committee (ASAC) to apply for appointment. ASAC's mission is to provide advice and recommendations to the Administrator of TSA on improving aviation security matters, including developing, refining, and implementing policies, programs, rulemaking and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

DATES: Applications for membership must be submitted to TSA using one of the methods in the **ADDRESSES** section below on or before March 5, 2018.

ADDRESSES: Applications must be submitted by one of the following means:

- *Email: ASAC@tsa.dhs.gov.*
- *Mail:* Dean Walter, ASAC Designated Federal Official, Transportation Security Administration (TSA–28), 601 12th St. South, Arlington, VA 20598–4028.

See **SUPPLEMENTARY INFORMATION** for application requirements.

FOR FURTHER INFORMATION CONTACT: Dean Walter, ASAC Designated Federal Official, Transportation Security Administration (TSA–28), 601 12th St. South, Arlington, VA 20598–4028, *ASAC@tsa.dhs.gov,* 571–227–2645.

SUPPLEMENTARY INFORMATION: ASAC is an advisory committee established pursuant to 49 U.S.C. 44946. The committee is composed of individual members representing key constituencies affected by aviation security requirements.

Balanced Membership Plans

ASAC will be composed of not more than 34 individuals appointed by the Administrator of TSA to represent the following 19 key constituencies affected by aviation security requirements, as defined at 49 U.S.C. 44946(c)(1)(C):

1. Air carriers.
2. All-cargo air transportation.
3. Labor organizations representing air carrier employees.
4. Aircraft manufacturers.
5. Airport operators.
6. General aviation.
7. Travel industry.
8. Victims of terrorist acts against aviation.
9. Law enforcement and security experts.
10. Indirect air carriers.
11. Aviation security technology industry (including screening technology and biometrics).

12. Airport-based businesses (including minority-owned small businesses).

13. Passenger advocacy groups.

14. Businesses that conduct security operations at airports (Screening Partnership Program contractors).

15. Labor organizations representing transportation security officers.

16. Airport construction and maintenance contractors.

17. Labor organizations representing employees of airport construction and maintenance contractors.

18. Privacy organizations.

19. Aeronautical repair stations.

ASAC does not have a specific number of members allocated to any membership category and the number of members in a category may change to fit the needs of the Committee, but each organization shall be represented by one individual. Members will serve as representatives and speak on behalf of their respective constituency group, and will not be appointed as Special Government Employees as defined in 18 U.S.C. 202(a). Membership on the Committee is personal to the appointee and a member may not send an alternate to a Committee meeting. Pursuant to 49 U.S.C 44946(c)(3) members shall not receive pay, allowances, or benefits from the Government by reason of their service on the Committee.

Committee Meetings

The Committee typically convenes four times per year; however, additional meetings may be held with the approval of the Designated Federal Official. Due to the sensitive nature of the material discussed, meetings are typically closed to the public. At least one meeting will be open to the public each year. In addition, members are expected to participate on ASAC subcommittees that typically meet more frequently to deliberation and discuss specific aviation matters.

Committee Membership

Committee members are appointed by and serve at the pleasure of the Administrator of TSA for a two-year duration with ''staggered terms.'' Staggered terms means that approximately one-half of the Committee members' terms expire in alternating years. This ensures continuity and consistency for the Committee. In the year of transition to staggered terms, approximately one-half of the members will be appointed to one-year terms and the other half to two-year terms. In the following year and thereafter, all appointments will be for terms of two years.

Application for Advisory Committee Appointment

Any person wishing to be considered for appointment to ASAC must provide the following:

- Complete professional resume.
- Statement of interest and reasons for application, including the membership category and how you represent a significant portion of that constituency.
- Home and work addresses, telephone number, and email address.

Please submit your application to the Responsible TSA Official in **ADDRESSES** noted above by March 5, 2018.

Dated: February 6, 2018.

Eddie D. Mayenschein,

Assistant Administrator, Security Policy and Industry Engagement.

[FR Doc. 2018–02798 Filed 2–9–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0059]

Agency Information Collection Activities; Grants to States and Tribes

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection for requirements for Grants to States and Tribes.

DATES: Interested persons are invited to submit comments on or before April 13, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to: The Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, Attn: John Trelease, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) is the estimate of burden accurate; (3) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title of Collection: 30 CFR parts 735, 885 and 886—Grants to States and Tribes.

OMB Control Number: 1029–0059.

Abstract: State and Tribal reclamation and regulatory authorities are requested to provide specific budget and program information as part of the grant application and reporting processes authorized by the Surface Mining Control and Reclamation Act.

Form Numbers: OSM–47, OSM–49 and OSM–51.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal reclamation and regulatory authorities.

Total Estimated Number of Annual Respondents: 27.

Total Estimated Number of Annual Responses: 140.

Estimated Completion Time per Response: Varies from 1 hour to 10 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 918.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once, on occasion and annually.

Total Annual Non-Wage Cost: $0.

The authority for this action are the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201, *et seq.*) and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Dated: February 7, 2018.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–02728 Filed 2–9–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on January 12, 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''), IMS Global Learning Consortium, Inc. (''IMS Global'') 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, Academic Center for Computing and Media Studies, Kyoto University, Kyoto, JAPAN; Chicago Public Schools, Tinley Park, IL; Colorado State University Online, Fort Collins, CO; Credly, New York, NY; Cyber University, Tokyo, JAPAN; Edmentum, Bloomington, MN; Fayette County Public Schools, Fayetteville, GA; Google, Mountain View, CA; Grapevine Colleyville ISD, Grapevine, TX; i-Scream Edu, Seoul, REPUBLIC OF KOREA; and Placid Consulting, Cedar Park, TX, have been added as parties to this venture.

Also, Duncanville ISD, Duncanville, TX; TOOLS4EVER, Bonney Lake, WA; OpenEd, San Jose, CA; and Echo360, Reston, VA, 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 IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global 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 September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on October 6, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 31, 2017 (82 FR 50443).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–02806 Filed 2–9–18; 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 ROS-Industrial Consortium-Americas

Notice is hereby given that, on January 5, 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 ROS-Industrial Consortium-Americas (''RIC-Americas'') 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, KATERRA, Menlo Park, CA, and PlusOne Robotics Inc., San Antonio, TX, have been added 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 RIC-Americas intends to file additional written notifications disclosing all changes in membership or planned activities.

On April 30, 2014, RIC-Americas 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 9, 2014 (79 FR 32999).

The last notification was filed with the Department on November 30, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 29, 2017 (82 FR 61794).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–02807 Filed 2–9–18; 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—ASTM International Standards

Notice is hereby given that, on December 14, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. 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, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between September 2017 and December 2017 designated as work items. A complete listing of ASTM Work Items along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM 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 November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on September 13, 2017. A notice was filed in the **Federal Register** on October 25, 2017 (82 FR 49424).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–02804 Filed 2–9–18; 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—Gap Year Association (Formerly Amercian Gap Association)

Notice is hereby given that, on January 17, 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''), American Gap Association (''AGA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. 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. American Gap Association (''AGA'') has changed its name to Gap Year Association (''GYA''). Specifically, GYA are near ratifying the 2018 version of Gap Year Standards; expanded the Board of Directors; expanded its six organizational committees, including the Standards & Accreditation Committee; expanded its membership offerings; and filed a new d/b/a as the Gap Year Association, for the 501(c)(3) American Gap Foundation to better streamline its activities and further support the benefits of all gap years in the U.S. and internationally.

On June 6, 2012, GYA 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 July 6, 2012 (77 FR 40085).

The last notification was filed with the Department on December 23, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 22, 2016 (81 FR 3821).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–02802 Filed 2–9–18; 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—UHD Alliance, Inc.

Notice is hereby given that, on December 15, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), UHD Alliance, Inc. (''UHD Alliance'') 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, Chroma ATE Inc., Guishan Taoyuan, TAIWAN, has been added as a party to this venture.

Also, ARRI, Inc., Burbank, CA, has withdrawn 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 UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance 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 July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on September 28, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 13, 2017 (82 FR 52332).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–02801 Filed 2–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJP) Docket No. 1745]

Meeting of the Global Justice Information Sharing Initiative Federal Advisory Committee

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Global Justice Information Sharing Initiative (Global) Federal Advisory Committee (GAC) to discuss the Global Initiative, as described at *www.it.ojp.gov/global.*

DATES: The meeting will take place on Wednesday, March 21, 2018, from 9:00 a.m. to 4:00 p.m. ET.

ADDRESSES: The meeting will take place at the Office of Justice Programs offices (in the Main Conference Room), 810 7th Street, Washington, DC 20531; Phone: (202) 514–2000 [*Note:* this is not a toll-free number].

FOR FURTHER INFORMATION CONTACT: Tracey Trautman, Global Designated Federal Employee (DFE), Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street, Washington, DC 20531; Phone (202) 305–1491 [*Note:* this is not a toll-free number]; Email: *tracey.trautman@ojp.usdoj.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Due to security measures, however, members of the public who wish to attend this meeting must register with Ms. Tracey Trautman at the above address at least (7) days in advance of the meeting. Registrations will be accepted on a space available basis. Access to the meeting will not be allowed without registration. All attendees will be required to sign in at the meeting registration desk. Please bring photo identification and allow extra time prior to the meeting.

Anyone requiring special accommodations should notify Ms. Trautman at least seven (7) days in advance of the meeting.

Purpose: The GAC will act as the focal point for justice information systems integration activities in order to facilitate the coordination of technical, funding, and legislative strategies in support of the Administration's justice priorities.

The GAC will guide and monitor the development of the Global information sharing concept. It will advise the Assistant Attorney General, OJP; the Attorney General; the President (through the Attorney General); and local, state, tribal, and Federal policymakers in the executive, legislative, and judicial branches. The GAC will also advocate for strategies for accomplishing a Global information sharing capability.

Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the DFE.

Tracey Trautman,

Global DFE, Deputy Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

[FR Doc. 2018–02701 Filed 2–9–18; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, February 15, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. NCUA's Rules and Regulations, Share Insurance Fund Equity Distributions.
2. Board Briefing, Share Insurance Fund Quarterly Report.
3. 2017 Share Insurance Fund Equity Distribution.

RECESS: 10:45 a.m.

TIME AND DATE: 11:00 a.m., Thursday, February 15, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Board Appeal. Closed pursuant to Exemption (8).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–02920 Filed 2–8–18; 4:15 pm]

BILLING CODE 7535–01–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Agency Information Collection Activities: Extension of Information Collection; Comment Request

AGENCY: Office of the Director of National Intelligence (ODNI).

ACTION: Notice.

SUMMARY: In December 2011, the ODNI accepted responsibility from the Information Security Oversight Office (ISOO) to manage the Standard Form 714, *Financial Disclosure Report,* in accordance with the responsibilities assigned to the Director of National Intelligence (DNI) as the Security Executive Agent. The Standard Form 714 is used across the U.S. Government for assessing an individual's eligibility (or continued eligibility) for access to certain types of classified information. This standard form must be completed and submitted as a condition for access to designated classified information, along with a favorably adjudicated personnel security background investigation or reinvestigation. Accordingly, the ODNI is seeking to extend the current version of the Standard Form 714 for three additional years from its scheduled expiration on 28 February 2018. The ODNI proposed no changes to the Standard Form 714 and its instructions at this time.

DATES: Written comments must be received on or before March 14, 2018 to be assured of consideration.

ADDRESSES: Comments should be sent to: *dni-foia@dni.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection and supporting statements should be directed to Ms. Patricia Gaviria, Director of the Information Management Division, Policy and Strategy, Office of the Director of National Intelligence, Washington, DC 20511; 301–243–1054.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the ODNI is requesting extension in effect of Standard Form 714, proposing no changes to the Form and its instructions at this time. The ODNI invites the general public and other Federal agencies to comment on Standard Form 714. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection reflected in the Standard Form 714 meets the intent of section 1.3 (''Financial Disclosure'') of Executive Order 12968, as amended (''Access to Classified Information''); (b) the accuracy of the estimated burden of the proposed information collection for Standard Form 714; (c) ways to enhance the quality, utility, and clarity of the information to be collected in the Standard Form 714; (d) ways, including the use of information technology, to minimize the burden of the collection of information on all respondents to the Standard Form 714; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the ODNI request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Abstract: The National Security Act of 1947, as amended; section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004; and Executive Order 13467, ''Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information,'' as amended, authorize the DNI, as the Security Executive Agent, to develop standard forms, including a standard financial disclosure form, that promotes uniformity and consistency in the implementation of the Government's security programs. The Standard Form 714 contains information that is used to assist in making eligibility determinations for access to specifically designated classified information pursuant to Executive Order 12968, as amended, ''Access to Classified Information.'' The data may later be used as part of a review process to evaluate continued eligibility for access to such specifically designated classified information or as evidence in legal proceedings. In addition, law enforcement entities may use this data where pertinent to appropriate investigatory activity.

Respondent burden data follows below:

Title: Financial Disclosure Report.

OMB number: 3440–0001.

Agency form number: Standard Form 714.

Type of review: Regular.

Affected public: Business or other for-profit.

Estimated number of respondents: 86,000.

Estimated time per response: 2 hours.

Frequency of response: Annually.

Estimated total annual burden hours: 172,000 hours.

Dated: February 2, 2018.

Patricia A. Lewis,

Acting Chief Management Officer.

[FR Doc. 2018–02805 Filed 2–7–18; 4:15 pm]

BILLING CODE 9500–01–P

NATIONAL SCIENCE FOUNDATION

Faster Administration of Science and Technology

Education and Research (FASTER) Community of Practice (CoP)

AGENCY: The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), National Science Foundation.

ACTION: Notice of meetings.

SUMMARY: The goal of the FASTER CoP is to enhance collaboration and accelerate agencies' adoption of advanced IT capabilities developed by Government-sponsored IT research. FASTER, seeks to accelerate deployment of promising research technologies; share protocol information, standards, and best practices; and coordinate and

disseminate technology assessment and testbed results. The agendas, minutes, and other meeting materials and information can be found on the FASTER website at: *https://www.nitrd.gov/nitrdgroups/index.php?title=FASTER.*

DATES: The FASTER CoP meetings will be held over the course of the year (February 2018–December 2018) at the NITRD National Coordination Office, 490 L'Enfant Plaza SW, Suite 8001, Washington, DC 20024. Please note that public seating for these meetings is limited and is available on a first-come, first-served basis. WebEx and/or Teleconference participation is available for each meeting. Please reference the FASTER CoP website for meeting dates, times, and location changes. Further information about the NITRD may be found at: *https://www.nitrd.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Alex Thai at *thai@nitrd.gov* or (202) 459–9674.

Public Comments: The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *magic-comments@nitrd.gov.* Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and may be made available to the public via the MAGIC Team website.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on February 6, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–02711 Filed 2–9–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 14, 2018. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation issued a permit (ACA 2015–011) to Ari Friedlaender on December 3, 2014. The issued permit allows the permit holder to take biopsy samples and photographs for identification of humpback (n = 200 biopsy & photo-ID), Antarctic minke (n = 50 biopy; 200 photo-ID), killer (n = 50; 200 photo-ID), and Arnoux's beaked (n = 50; 200 photo-ID) whales in the Southern Ocean. The permit also allowed for 10 satellite-tagging takes of humpback whales.

A recent modification to this permit, dated December 31, 2015, permitted the applicant to increase the number of satellite-tagging takes of humpback whales to 20 and to add 10 dart tag takes and 20 suction cup tag takes for both humpbacks and Antarctic minke whales. Now the permit holder proposes a modification to his permit to increase biopsy takes to 250 for all four whale species listed on the original permit. Of those 250 biopsy takes, 50 would be associated with approaches that would also include tagging and the remaining 200 biopsy takes would occur during approaches that do not involve tagging. The proposed modification would also increase the number of dart tags takes of humpback whales (from 10 to 30) and Antarctic minke whales (from 10 to 20) and increase the number of suction cup tagging takes of Antarctic minke whales from 20 to 30. In addition, the permit holder proposes to add takes for dart tagging (n = 10) and suction cup tagging (n = 40) of Arnoux's beaked whales as well as 50 suction cup tagging takes for killer whales. Finally, the permit holder would add southern right whales to his ACA permit and is requesting 250 biopsy takes, 200 photo-ID takes, and 50 suction cup tagging takes for this species. This ACA permit modification would increase the consistency of takes with those allowed under the most recent amendment of National Marine Fisheries Service Permit No. 14809–03 on which the ACA permit holder is an approved Co-Investigator.

Location: Antarctic Peninsula between Marguerite Bay and the Gerlache Strait, inshore waters.

Dates of Permitted Activities: March 1–December 31, 2018.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–02705 Filed 2–9–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0023]

Qualification and Training of Personnel for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1329, ''Qualification and Training of Personnel for Nuclear Power Plants.'' The proposed revision describes methods acceptable to the NRC staff for complying with those portions of the Commission's regulations associated with the selection, qualifications, and training for nuclear power plant personnel. This proposed guide, Revision 4, updates the guidance with additional experience gained since Revision 3 was issued in 2000 by endorsing ANSI/ANS 3.1 2014, ''Selection, Qualification and Training of Personnel for Nuclear Power Plants.''

DATES: Submit comments by April 13, 2018. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or

improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specified subject):

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0023. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* May Ma, Office of Administration, Mail Stop: OWFN–2A13, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: James Kellum, Office of New Reactors; telephone: 301–415–5305; email: *Jim.Kellum@nrc.gov;* and Stephen Burton, Office of Nuclear Regulatory Research; telephone: 301–415–7000; email: *Stephen.Burton@nrc.gov.* Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0023 when contacting the NRC about the availability of information regarding this action. You may obtain publicaly-available information related to this action, by any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0023.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The DG is electronically available in ADAMS under Accession No. ML16091A267.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0023 in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as enters the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''Qualification and Training of Personnel for Nuclear Power Plants,'' is a proposed revision temporarily identified by its task number, DG–1329. DG–1329 is proposed Revision 4 of RG 1.8, ''Qualification and Training of Personnel for Nuclear Power Plants.'' The guide proposes revised guidance that describes methods acceptable to the staff of the NRC for complying with those portions of the Commission's regulations associated with the selection, qualifications, and training for nuclear power plant personnel.

This proposed guide, Revision 4, endorses ANSI/ANS 3.1 2014, ''Selection, Qualification, and Training of Personnel for Nuclear Power Plants,'' as well as updates the guidance with additional experience gained since Revision 3 was issued in 2000.

III. Backfitting and Issue Finality

This DG describes methods acceptable to the staff of the NRC for complying with those portions of the Commission's regulations associated with the selection, qualifications and training for nuclear power plant personnel. Issuance of this DG, if finalized, would not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this DG, the NRC has no current intention to impose this guide, if finalized, on holders of current operating licenses or combined licenses.

This DG may be applied to applications for operating licenses, combined licenses, early site permits, and certified design rules docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in the Backfit Rule or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 7th day of February, 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–02816 Filed 2–9–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATE: Weeks of February 12, 19, 26, March 5, 12, 19, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 12, 2018

There are no meetings scheduled for the week of February 12, 2018.

Week of February 19, 2018—Tentative

There are no meetings scheduled for the week of February 19, 2018.

Week of February 26, 2018—Tentative

There are no meetings scheduled for the week of February 26, 2018.

Week of March 5, 2018—Tentative

Thursday, March 8, 2018

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting); (Contact: Sophie Holiday: 301–415–7865)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 12, 2018—Tentative

There are no meetings scheduled for the week of March 12, 2018.

Week of March 19, 2018—Tentative

There are no meetings scheduled for the week of March 19, 2018.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Patricia.Jimenez@nrc.gov.*

Dated: February 8, 2018.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–02934 Filed 2–8–18; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82637; File No. SR–NYSEAMER–2018–03]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Certain of the Governing Documents of Its Intermediate Parent Companies

February 6, 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 January 29, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') 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 amend certain of the governing documents of its intermediate parent companies Intercontinental Exchange Holdings, Inc. (''ICE Holdings''), NYSE Holdings LLC (''NYSE Holdings'') and NYSE Group, Inc. (''NYSE Group'') to make a technical change updating the registered office and registered agent in the state of Delaware. The proposed 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain of the governing documents of its intermediate parent companies ICE Holdings, NYSE Holdings, and NYSE Group to make a technical change updating the registered office and registered agent in the state of Delaware.[4]

ICE Holdings and NYSE Group are corporations and NYSE Holdings is a limited liability corporation, all organized under the laws of the State of Delaware. As such, they are required to have and maintain a registered office and registered agent in Delaware.[5] The Exchange proposes to amend certain of their governing documents to change the registered office and registered agent.

More specifically, the Exchange proposes to amend the following provisions in the listed documents (collectively, the ''Governing Documents''): [6]

- Article II (Registered Office) of the Ninth Amended and Restated Certificate of Incorporation of ICE Holdings;
- Article II, Sections 2.4 (Registered Office) and 2.5 (Registered Agent) of the Ninth Amended and Restated Limited Liability Company Agreement of NYSE Holdings;
- the Certificate of Formation of NYSE Holdings; [7]
- Article II (Registered Office) of the Sixth Amended and Restated Certificate of Incorporation of NYSE Group; and
- Article I, Section 1.1 (Registered Office) of the Fourth Amended and Restated Bylaws of NYSE Group.

The listed provisions identify The Corporation Trust Company as the

[4] Intercontinental Exchange Inc., the ultimate parent of the Exchange, owns 100% of the equity interest in ICE Holdings, which in turn owns 100% of the equity interest in NYSE Holdings. NYSE Holdings owns 100% of the equity interest of NYSE Group, which in turn directly owns 100% of the equity interest of the Exchange and its national securities exchange affiliates, New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc., and NYSE National, Inc. ICE is a publicly traded company listed on the NYSE.

[5] *See* Del. Code tit 6, § 18–104, and Del. Code tit 8, §§ 131 and 132.

[6] Some of the Governing Documents were recently amended. *See* Securities Exchange Act Release No. 82082 (November 15, 2017), 82 FR 55466 (November 21, 2017) (SR–NYSEAmer–2017–29).

[7] The Certificate of Formation of NYSE Holdings is amended by filing a ''State of Delaware Certificate of Amendment Changing Only the Registered Office or Registered Agent of a Limited Liability Company,'' as set forth in Exhibit 5C of the proposed rule change.

registered agent, and provide that the address of the registered office in Wilmington, Delaware is Corporation Trust Center, 1209 Orange Street. The Exchange proposes to amend such provisions to identify United Agent Group Inc. as the registered agent, and to provide that the address of the registered office is 3411 Silverside Road, Tatnall Building No. 104, Wilmington, County of New Castle, Delaware 19810.

In addition, conforming changes would be made to the title [sic], recitals, dates and signature lines, as applicable, of the Governing Documents.

The change is a non-substantive technical administrative change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act [8] in general, and with Section 6(b)(1) [9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive administrative change that does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the Governing Documents rules identify the registered agent and registered office in Delaware would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules. Similarly, the proposed conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with its rules. The Exchange believes that, by ensuring that such rules accurately identify the registered agent and registered office in Delaware, and by making conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents, the proposed rule change would reduce potential investor or market participant confusion.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with making a technical change updating the registered office and registered agent of each Intermediate Holding Company.

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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(3) [12] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may 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) [13] 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–NYSEAMER–2018–03 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–NYSEAMER–2018–03. 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–NYSEAMER–2018–03, and

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(3).

[13] 15 U.S.C. 78s(b)(2)(B).

should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02721 Filed 2–9–18; 8:45 am]

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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 23c–1, SEC File No. 270–253, OMB Control No. 3235–0260.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l–3520), 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 for extension and approval.

Rule 23c–1(a) under the Investment Company Act (17 CFR 270.23c–1(a)) permits a closed-end fund to repurchase its securities for cash if, in addition to the other requirements set forth in the rule, the following conditions are met: (i) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase (''written confirmation''); (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent (''asset coverage disclosure''); and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock (''six month notice''). Commission staff estimates that 91 closed-end funds undertake a total of 364 repurchases annually under rule 23c–1.[1] Staff estimates further that, with respect to each repurchase, each fund spends 2.5 hours to comply with the rule's written confirmation, asset coverage disclosure and six month notice requirements. Thus, Commission staff estimates the total annual respondent reporting burden is 910 hours.[2] Commission staff further estimates that the cost of the hourly burden per repurchase is $305 (one half hour of a compliance attorney's time at $345 per hour,[3] and two hours of clerical time at $66 per hour[4]). The total annual cost for all funds is estimated to be $111,020.[5]

In addition, the fund must file with the Commission a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The copy must be filed as an exhibit to Form N–CSR (17 CFR 249.331and 274.128).[6] The burden associated with filing Form N–CSR is addressed in the submission related to that form.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 7, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02795 Filed 2–9–18; 8:45 am]

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[14] 17 CFR 200.30–3(a)(12).

[1] The number of closed-end funds that undertake repurchases annually under rule 23c–1 is based on information provided in response to Item 9 of Form N–CSR from January 1, 2017 through December 31, 2017. Although 136 closed-end funds made disclosures regarding ''publicly announced'' repurchase plans in response to Item 9, not all repurchases are made pursuant to rule 23c–1. We estimate that approximately 30% of such closed-end funds have not made repurchases pursuant to rule 23c–1. Therefore, our estimate does not include all 136 funds that made disclosures of publicly announced repurchases under Item 9, but only a subset thereof (91 funds). We also estimate that each of the 91 funds undertook an average of 4 repurchases annually (91 funds × 4 repurchases = 364 repurchases annually).

[2] This estimate is based on the following calculation: 364 repurchases × 2.5 hours per repurchase = 910 hours.

[3] The $345/hour figure for a compliance attorney is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead (includes a CPI inflation adjustment from the 2013 estimate).

[4] The $66/hour figure for a compliance clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead (includes a CPI inflation adjustment from the 2013 estimate).

[5] This estimate is based on the following calculation: 364 repurchases × $305 per repurchase = $111,020.

[6] In addition, Item 9 of Form N–CSR requires closed-end funds to disclose information similar to the information that was required in Form N–23C–1, which was discontinued in 2004.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82635; File No. SR–NYSENAT–2018–03]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Certain of the Governing Documents of Its Intermediate Parent Companies

February 6, 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 January 29, 2018, NYSE National, Inc. (the ''Exchange'' or ''NYSE National'') 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 amend certain of the governing documents of its intermediate parent companies Intercontinental Exchange Holdings, Inc. (''ICE Holdings''), NYSE Holdings LLC (''NYSE Holdings'') and NYSE Group, Inc. (''NYSE Group'') to make a technical change updating the registered office and registered agent in the state of Delaware. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 Exchange proposes to amend certain of the governing documents of its intermediate parent companies ICE Holdings, NYSE Holdings, and NYSE Group to make a technical change updating the registered office and registered agent in the state of Delaware.[4]

ICE Holdings and NYSE Group are corporations and NYSE Holdings is a limited liability corporation, all organized under the laws of the State of Delaware. As such, they are required to have and maintain a registered office and registered agent in Delaware.[5] The Exchange proposes to amend certain of their governing documents to change the registered office and registered agent.

More specifically, the Exchange proposes to amend the following provisions in the listed documents (collectively, the ''Governing Documents''):[6]

- Article II (Registered Office) of the Ninth Amended and Restated Certificate of Incorporation of ICE Holdings;
- Article II, Sections 2.4 (Registered Office) and 2.5 (Registered Agent) of the Ninth Amended and Restated Limited Liability Company Agreement of NYSE Holdings;
- the Certificate of Formation of NYSE Holdings;[7]
- Article II (Registered Office) of the Sixth Amended and Restated Certificate of Incorporation of NYSE Group; and
- Article I, Section 1.1 (Registered Office) of the Fourth Amended and Restated Bylaws of NYSE Group.

The listed provisions identify The Corporation Trust Company as the registered agent, and provide that the address of the registered office in Wilmington, Delaware is Corporation Trust Center, 1209 Orange Street. The Exchange proposes to amend such provisions to identify United Agent Group Inc. as the registered agent, and to provide that the address of the registered office is 3411 Silverside Road, Tatnall Building No. 104, Wilmington, County of New Castle, Delaware 19810.

In addition, conforming changes would be made to the title [sic], recitals, dates and signature lines, as applicable, of the Governing Documents.

The change is a non-substantive technical administrative change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act[8] in general, and with Section 6(b)(1)[9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive administrative change that does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the Governing Documents rules identify the registered agent and registered office in Delaware would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules. Similarly, the proposed conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with its rules. The Exchange believes that, by ensuring that such rules accurately identify the registered agent and registered office in Delaware, and by making conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents, the proposed rule change would reduce potential investor or market participant confusion.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with making a technical change updating the registered office and registered agent of each Intermediate Holding Company.

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.

[4] Intercontinental Exchange Inc., the ultimate parent of the Exchange, owns 100% of the equity interest in ICE Holdings, which in turn owns 100% of the equity interest in NYSE Holdings. NYSE Holdings owns 100% of the equity interest of NYSE Group, which in turn directly owns 100% of the equity interest of the Exchange and its national securities exchange affiliates, New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc., and NYSE American LLC. ICE is a publicly traded company listed on the NYSE.

[5] *See* Del. Code tit 6, § 18–104, and Del. Code tit 8, §§ 131 and 132.

[6] Some of the Governing Documents were recently amended. *See* Securities Exchange Act Release No. 82084 (November 15, 2017), 82 FR 55474 [sic] (November 21, 2017) (SR–NYSENat–2017–05).

[7] The Certificate of Formation of NYSE Holdings is amended by filing a ''State of Delaware Certificate of Amendment Changing Only the Registered Office or Registered Agent of a Limited Liability Company,'' as set forth in Exhibit 5C of the proposed rule change.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(3) [12] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may 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) [13] 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–NYSENAT–2018–03 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–NYSENAT–2018–03. 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–NYSENAT–2018–03, and should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02719 Filed 2–9–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(3).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82636; File No. SR–IEX–2018–02]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt an IEX Enhanced Market Maker ("IEMM") Program

February 6, 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 February 1, 2018, the Investors Exchange LLC ("IEX" or the "Exchange") 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

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC ("IEX" or "Exchange") is filing with the Securities and Exchange Commission ("Commission") proposed changes to adopt an IEX Enhanced Market Maker ("IEMM") program under Exchange Rule 11.170 (Market Quality Incentive Programs) (currently reserved), which is designed to enable Members [6] to qualify for transaction fee [7] reductions for providing meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the national best bid ("NBB") and/or the national best offer ("NBO") (collectively, the "NBBO").

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.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 these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to adopt an IEX Enhanced Market Maker ("IEMM") program under Exchange Rule 11.170 (Market Quality Incentive Programs) (currently reserved), which is designed to enable Members to qualify for transaction fee reductions for providing meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO.

Background

In an effort to incentivize Members to submit displayed orders to the Exchange, the Exchange currently

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* IEX Rule 1.160(s).

[7] *See* IEX Rules 15.110(a) and (c) ("Fee Schedule"). *See also* the Investors Exchange Fee Schedule, available on the Exchange public website.

charges a relatively low fee of $0.0003 to Members for executions on IEX that provide or take resting interest with displayed priority [8] (*i.e.,* an order or portion of a reserve order that is booked and ranked with display priority on the Order Book either as the IEX best bid or best offer (''BBO''), or at a less aggressive price).[9]

Furthermore, the Exchange currently charges $0.0009 per share (or 0.30% of the total dollar value of the transaction for securities priced below $1.00) to Members for executions on IEX that provide or take resting interest with non-displayed priority (*i.e.,* an order or portion of a reserve order that is booked and ranked with non-display priority on the Order Book either at the NBBO midpoint or at a less aggressive price).[10] The Exchange does not charge any fee to Members for executions on IEX when the adding and removing order originated from the same Exchange Member.[11]

In addition to the pricing model above, and in contrast to its competitors, IEX has chosen to lower the cost barrier for Member firms to trade on the Exchange by not charging fees for membership, connectivity, or market data.[12] Moreover, IEX has made a conscious choice to not pay rebates to brokers in exchange for order flow, and instead has focused on earning order flow from market participants by designing a market that provides greater execution quality. The Exchange believes that, as a result of these priorities, it has created quantitatively superior trading outcomes for Members that choose to efficiently access the Exchange, as measured by various market quality metrics including effective spread, and opportunity for price improvement.[13] However, the Exchange believes that the financial incentives for brokers to route displayed orders to venues that pay rebates for such order flow has caused a stratification of displayed liquidity across the U.S. equities markets based on exchange pricing models. Specifically, maker-taker exchanges [14] dominate the U.S. equities trading landscape in market share, and displayed market share specifically.[15]

To compete with incumbent maker-taker exchanges for order flow without directly paying Members for such orders, the Exchange is proposing to offer an alternative fee-based incentive to Members that engage in trading activity that further improves market quality and price discovery on the Exchange. Importantly, the Exchange is not proposing to offer a rebate,[16] in that the Exchange is not paying one side of each transaction (*i.e.,* the maker or taker). In fact, the Exchange is not making any direct payments to IEMMs, because, as discussed below, the proposed fee reductions will not be greater than the fees charged for executions on the Exchange (*i.e.,* no single execution would result in a net credit from the Exchange to the Member). Moreover, the proposed fee reductions would not be provided based on a direct one-to-one relationship with a Member's displayed liquidity providing executions, but instead are available to reduce the per-share cost of a Members displayed and non-displayed executions on the Exchange in return for meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities.

IEMM Program

As proposed, a Member qualifying for designation as an IEMM reflects a commitment to provide meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of the day. The IEMM Program is designed to attract liquidity provision from both traditional market making firms, as well as from other market participants that are willing and able to act in a market making capacity and commit capital to support liquidity at and/or near the NBBO. In return for their contributions, such Members qualify for a lower per-share rate charged for both displayed and non-displayed executions subject to either the Displayed Match Fee or Non-Displayed Match Fee on the Exchange in securities priced at or above $1.00. The IEMM Program is designed to deepen IEX's liquidity pool at prices at and/or near the NBBO, which may narrow the bid-ask spread, dampen the market impact of shocks from liquidity demand, and support the quality of

[8] This pricing is referred to by the Exchange as ''Displayed Match Fee'' with a Fee Code of 'L' provided by the Exchange on execution reports. *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[9] The Displayed Match Fee is less than the Exchange's Non-Displayed Match Fee and substantially lower than the fee to add displayed liquidity on an exchange with a ''taker-maker'' fee structure (*i.e.,* that charges liquidity providers) and to take displayed liquidity on an exchange with a ''maker-taker'' fee structure (*i.e.,* that charges liquidity takers). For example, the New York Stock Exchange (''NYSE'') trading fee schedule on its public website reflects fees to ''take'' liquidity ranging from $0.0024–$0.0030 depending on the type of market participant, order and execution. Additionally, NYSE fees to ''add'' liquidity range from $0.0018–$0.0030 per share for shares executed in continuous trading. The Nasdaq Stock Market (''Nasdaq'') trading fee schedule on its public website reflects fees to ''remove'' liquidity ranging from $0.0025–$0.0030 per share for shares executed in continuous trading at or above $1.00 or 0.30% of total dollar volume for shares executed below $1.00. Additionally, Nasdaq fees for ''adding'' liquidity range from $0.0001–$0.00305 per share for shares executed in continuous trading. The Cboe BZX Exchange (''Cboe BZX'') trading fee schedule on its public website reflects fees for ''removing'' liquidity ranging from $0.0025–$0.0030, for shares executed in continuous trading at or above $1.00 or 0.30% of total dollar volume for shares executed below $1.00. Additionally, Cboe BZX fees for ''adding'' liquidity ranging from $0.0020–$0.0045 per share for shares executed in continuous trading.

[10] This pricing is referred to by the Exchange as ''Non-Displayed Match Fee'' with a Fee Code of 'I' provided by the Exchange on execution reports. *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[11] This pricing is referred to by the Exchange as ''Internalization Fee'' with a Fee Code of 'S' provided by the Exchange on execution reports. Orders from different market participant identifiers of the same broker dealer, with the same Central Registration Depository registration number, are treated as originating from the same Exchange Member. *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[12] *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[13] *See e.g.,* IEX's recent white paper that utilized publicly available quote and trade data to compare market quality across U.S. stock exchanges, which empirically found, *inter alia,* that on average IEX has the lowest effective spread, and the greatest opportunity for price improvement amongst all exchanges. A Comparison of Execution Quality across U.S. Stock Exchanges, Elaine Wah, Stan Feldman, Francis Chung, Allison Bishop, and Daniel Aisen, Investors Exchange (2017). Effective spread is commonly defined by market structure academics and market participants as twice the absolute difference between the trade price and prevailing NBBO midpoint at the time of a trade, and is generally meant to measure the cost paid when an incoming order executes against a resting order, and unlike quoted spread captures other features of a market center, such as hidden and midpoint liquidity as well as market depth. Price improvement is in reference to the situation where an aggressive order is filled at a price strictly better than the inside quote (*i.e.,* in the case of an aggressive buy (sell) order, receiving a fill at a price lower (higher) than the NBO (NBB)).

[14] In the maker-taker pricing model, the liquidity provider (*i.e.,* maker) receives a rebate when its order eventually executes, and the taker that trades against the resting order pays an access fee to the exchange.

[15] *See* IEX's recent white paper that utilized publicly available quote and trade data to compare market quality across U.S. stock exchanges, which found that time at the inside (*i.e.,* when an exchange is on either the NBB or the NBO, or both) appears to be strongly correlated with rebates for liquidity provision, as the exchanges at the inside more often are not only the largest but also those that employ a maker-taker pricing model. A Comparison of Execution Quality across U.S. Stock Exchanges, Elaine Wah, Stan Feldman, Francis Chung, Allison Bishop, and Daniel Aisen, Investors Exchange (2017).

[16] *See* the SEC's Division of Trading and Markets' October 20, 2015 memorandum to the SEC's Market Structure Advisory Committee at 2, which states ''. . . the maker-taker fee model is a pricing structure in which a market generally *pays its members a per share rebate to provide (i.e., ''make'') liquidity* in securities and assesses on them a fee to remove (*i.e.,* ''take'') liquidity.'' (emphasis added).

price discovery on IEX to the benefit of long term investors, and issuers.

The proposed IEMM Program provides two tiers, each of which would significantly contribute to market quality by providing liquidity at or near the NBBO in IEX-listed securities for a significant portion of the day. Members are eligible to qualify as an IEMM under one or both IEMM Tiers. Specifically, as proposed, any IEX Member that registers as an IEX Market Maker pursuant to Rule 11.150 in all securities listed on IEX (except pursuant to Supplementary Material .01, as discussed below),[17] and satisfies the quoting criteria for one or more of the following tiers in each security listed on IEX over the course of the month that the security is listed on IEX,[18] may be designated as an IEMM:

- Inside Tier IEMM:
  - One or more of its MPIDs has a displayed order entered in a principal capacity of at least one round lot resting on the Exchange at the NBB and/or the NBO for an average of at least 20% of Regular Market Hours (the ''NBBO Quoting Percentage''); [19] and/or
- *Depth Tier IEMM:*
  - One or more of its MPIDs has a displayed order entered in a principal capacity of at least one round lot resting on the Exchange at the greater of 1 minimum price variation (''MPV'') or 0.03% (*i.e.,* 3 basis points) away from the NBBO (or more aggressive) for an average of at least 75% of Regular Market Hours (the ''Depth Quoting Percentage'').[20]

The Exchange proposes to calculate the NBBO Quoting Percentage by determining the average percent of time the Member is at the NBB or the NBO, or both the NBB and NBO, in each IEX-listed security during Regular Market Hours over the course of the month. On a monthly basis, IEX would determine whether a Member satisfied the NBBO Quoting Percentage for each IEX-listed security by calculating the following:

- The ''NBB Quoting Time'' is calculated by determining the aggregate amount of time that one or more of a Member's MPIDs has a displayed order entered in a principal capacity of at least one round lot in each IEX-listed security resting at the NBB during Regular Market Hours of each trading day for a calendar month that such security is listed on IEX;
- The ''NBO Quoting Time'' is calculated by determining the aggregate amount of time that one or more of a Member's MPIDs has a displayed order entered in a principal capacity of at least one round lot in each IEX-listed security resting at the NBO during Regular Market Hours of each trading day for a calendar month that such security is listed on IEX; and
- The ''NBBO Quoting Percentage'' is calculated for each IEX-listed security by adding the security's NBB Quoting Time to the NBO Quoting Time and dividing the resulting sum by two (2), and then dividing the resulting quotient by the total amount of time during the Regular Market Session that the IEX-listed security was listed on IEX and not subject to a halt or pause in trading pursuant to IEX Rule 11.280 over the course of the calendar month.

The Exchange proposes to calculate the Depth Quoting Percentage by determining the average percent of time the Member is at the defined percentage away from the NBBO (or more aggressive) in each IEX-listed security during Regular Market Hours over the course of the month. On a monthly basis, IEX would determine whether the Member satisfied the Depth Quoting Percentage for each IEX-listed security by calculating the following:

- The ''Bid Depth Quoting Time'' is calculated by determining the aggregate amount of time that one or more of a Member's MPIDs has a displayed order entered in a principal capacity of at least one round lot in each IEX-listed security resting at the greater of 1 MPV or 0.03% away from the NBB (or more aggressive) during Regular Market Hours of each trading day for a calendar month that such security is listed on IEX;
- The ''Offer Depth Quoting Time'' is calculated by determining the aggregate amount of time that one or more of a Member's MPIDs has a displayed order entered in a principal capacity of at least one round lot in each IEX-listed security resting at the greater of 1 MPV or 0.03% away from the NBO during Regular Market Hours of each trading day of a calendar month that such security is listed on IEX; and
- The ''Depth Quoting Percentage'' is calculated for each IEX-listed security by adding the security's Bid Depth Quoting Time to the Offer Depth Quoting Time and dividing the resulting sum by two (2), and then dividing the resulting quotient by the total amount of time during the Regular Market Session that the IEX-listed security was listed on IEX and not subject to a halt or pause in trading pursuant to IEX Rule 11.280 over the course of the calendar month.[21]

Proposed Supplemental Material .01 provides a limited exception to the requirement that a Member must be a registered IEX Market Maker pursuant to Rule 11.150 in all securities listed on IEX. Specifically, a Member that is not a registered IEX Market Maker pursuant to Rule 11.150 in all securities listed on IEX (as required by subparagraph (a)(1)(B)) may still be designated as an IEMM if (i) a Member does not act as a market maker in one or more IEX-listed securities on any other national securities exchange, and (ii) the Market Maker provides documentation, satisfactory to IEX Regulation, substantiating that such Member is unable to act as a market maker in one or more particular securities listed on IEX (a) in order to comply with specified legal or regulatory requirements, or (b) operational restrictions not exceeding 90 calendar days from the date the security first lists on the Exchange. The documentation must specify the length of time such legal, regulatory requirement(s), or operational restriction is anticipated to persist. The proposed exception is designed to provide Members flexibility to address any legal or regulatory requirements, or temporary operational restrictions associated with their registration and acting as a Market Maker in a security listed on IEX, without eliminating the financial incentives that such Member may otherwise qualify for under the IEMM Program as a result of their quoting activity in other listed securities.[22]

For example, if a Member was to come into possession of material non-public information regarding an IEX-listed security, and on advice of counsel suspended all trading in the security until the conflict was remediated, and but for the suspension of trading in the IEX-listed security, one or more of the Member's MPIDs order activity would have qualified the Member for designation as an IEMM under one or more of the proposed IEMM Tiers, such Member could request a legal exemption under Supplemental Material .01 by providing documentation, satisfactory to

[17] *See* proposed Rule 11.170(a)(1)(B).

[18] *See* proposed Rule 11.170(a)(1)(C).

[19] *See* proposed Rule 11.170(a)(1)(A)(i).

[20] *See* proposed Rule 11.170(a)(1)(A)(ii).

[21] The Exchange notes that the proposed NBBO Quoting Percentage calculation and the proposed Depth Quoting Percentage calculation are substantially similar to the calculations used by the New York Stock Exchange LLC (''NYSE'') for purposes of calculating the quoting requirements of Supplemental Liquidity Providers pursuant to NYSE Rule 107B(g) (Calculation of Quoting Requirement).

[22] The Exchange notes that the proposed exception in Supplemental Material .01 would be inapplicable for the first IEX-listed security (whether the security is transferring from another primary listing market to IEX, or conducting an initial public offering on IEX), because a Member could not have otherwise qualified to be designated as an IEMM without having been a registered Market Maker in all other IEX-listed securities since there would be no other IEX-listed securities.

IEX Regulation, substantiating that it is unable to act as a market maker in the IEX-listed security (*e.g.,* producing a letter from counsel advising to suspend trading).

Proposed Supplemental Material .02 provides that if a Member satisfies the requirement of registering as a Market Maker pursuant to Rule 11.150 in all securities listed on IEX after the first trading day of the calendar month, and remains registered for the remainder of the month, such Member is eligible for designation as an IEMM if the Member otherwise satisfies the applicable quoting requirements for the entire month to qualify for designation under one or more of the proposed IEMM Tiers. Proposed Supplemental Material .02 is designed to provide Members clarity regarding their eligibility for designation as an IEMM when their order activity over the course of a month satisfies the requirements of one of the applicable IEMM Tiers, but the Member is not a registered Market Maker in all securities listed on IEX as of the first trading day of the calendar month. The Exchange believes allowing Members to qualify for designation as an IEMM under these circumstances is appropriate and reasonable, because it avoids disparate treatment of Members that were not registered Market Makers as of the start of a calendar month, but otherwise provided meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of the day in compliance with the IEMM criteria.

For example, Member ABCD satisfied the quoting requirements of the Inside Tier and the Depth Tier for all securities listed on IEX for each day of the 20 trading days during the month of September 2017, thereby satisfying the quoting requirements of the Inside Tier and the Depth Tier on average, per day, over the course of the month. Furthermore, Member ABCD did not satisfy the requirement of being registered in all securities listed on IEX until September 8, 2017 (5 trading days after the first trading day of the month), and remained registered in all securities listed on IEX for the remainder of the month. In this case, Member ABCD's order activity provided meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of each trading day, and would therefore be eligible for designation as an Inside Tier and Depth Tier IEMM.[23] The Exchange notes that Members that attempt to abuse Supplemental Material .02 by registering as a market maker in all securities listed on IEX at the end of a calendar month, only to terminate registration at the beginning of the following calendar month, would be subject to the 20 business day re-registration penalty under Rule 11.153(a) (Voluntary Termination of Registration), and therefore such Member is unlikely to be able to repeat this abusive pattern for the following trading month.[24]

Proposed Supplemental Material .03 provides that for purposes of determining the percentage of time during the Regular Market Session that a Member satisfied the NBBO Quoting Percentage and Depth Quoting Percentage pursuant to subparagraph (a)(1)(A), the Exchange excludes the aggregate amount of time that a security is subject to a halt or pause in trading pursuant to IEX Rule 11.280. Proposed Supplemental Material .03 is designed to provide Members additional clarity regarding the Exchange's calculation for determining whether the order activity satisfied the applicable NBBO Quoting Percentage and Depth Quoting Percentage by accounting for scenarios where continuous trading is halted or paused pursuant to Rule 11.280, and therefore the IEMM would be unable to enter orders to meet satisfy [sic] the applicable requirements. The Exchange believes that not accounting for scenarios where continuous trading is halted or paused would be unreasonable, and inconsistent with the quoting requirements set forth in the proposed IEMM Tiers, because it would make the effective IEMM Tier quoting requirements variable, requiring additional order activity to satisfy the applicable quoting requirements for securities that are subject to a trading halt or pause. The Exchange notes that accounting for scenarios where continuous trading is halted or paused is also consistent with Rule 11.151(a)(2) regarding the obligations of registered Market Makers, which states in relevant part that Market Makers quoting obligations are suspended during a trading halt or pause.

For Members that qualify under one of the IEMM Tiers as defined above, IEX will reduce the fee charged per share executed on such Members':

- Non-displayed executions subject to the Non-Displayed Match Fee in securities priced at or above $1.00 by the amount that corresponds with the tier(s) under which the Member qualifies as an IEMM, subject to any applicable Depth Tier aggregate monthly savings cap, as set forth below (the ''Non-Displayed Match Fee Discount''); and
- Displayed executions subject to the Displayed Match Fee in securities priced at or above $1.00 by the amount that corresponds with the tier(s) under which the Member qualifies as an IEMM, subject to any applicable Depth Tier aggregate monthly savings cap, as set forth below (the ''Displayed Match Fee Discount''); [25]

As proposed, for Inside Tier IEMMs, the Displayed Match Fee Discount and the Non-Displayed Match Fee Discount results in a $0.0001 discount for each execution subject to the Displayed Match Fee and the Non-Displayed Match Fee, respectively, with no cap on aggregate monthly saving.[26] Moreover, Depth Tier IEMMs will receive a $0.0001 discount for each execution subject to the Displayed Match Fee and the Non-Displayed Match Fee, up to $20,000.00 in aggregate savings per month.[27]

If a Member qualifies under both the Inside Tier and the Depth Tier, any earned Non-Displayed Match Fee Discount and Displayed Match Fee Discount will be aggregated and applied to such Members' non-displayed executions and displayed executions subject to the Displayed Match Fee or Non-Displayed Match Fee in securities priced at or above $1.00, respectively, subject to the applicable Depth Tier aggregate monthly savings cap described

[23] The Exchange notes that this illustrative example contemplates Member ABCD satisfying the quoting requirements of the Inside Tier and Depth Tier on each trading day over the course of the month; however, it is possible that a Member may begin entering orders to satisfy the IEMM quoting requirements on or after the date the Member satisfies the requirement of being a registered Market Maker in all securities listed on IEX. In such case, the Member would need to exceed the quoting obligations for the Inside Tier and the Depth Tier on one or more trading days to satisfy the daily average requirement of proposed Rule 11.170(a)(1)(C).

[24] Furthermore, the Exchange monitors Market Maker security registrations and terminations to identify anomalous patterns of security registrations and terminations, and would therefore identify this abusive pattern in a timely manner.

[25] *See* proposed Rule 11.170(a)(3).

[26] For example, if one or more of Member ABCD's MPIDs satisfied the obligations of the Insider Tier, all of Member ABCD's executions that are subject to the Non-Displayed Match Fee would be charged $0.0008, rather than $0.0009, and executions subject to the Displayed Match Fee would be charged $0.0002, rather than $0.0003.

[27] For example, if one or more of Member ABCD's MPIDs satisfied the obligations of the Depth Tier, all of Member ABCD's executions that are subject to the Non-Displayed Match Fee would be charged $0.0008, rather than $0.0009, and executions subject to the Displayed Match Fee would be charged $0.0002, rather than $0.0003, up to $20,000.00 in aggregate savings per month.

above. Therefore, if a Member qualifies under both the Inside Tier and the Depth Tier, such Member will earn a combined $0.0002 discount across the Displayed Match Fee Discount and the Non-Displayed Match Fee Discount, subject to the Depth Tier aggregate monthly savings cap, after which the balance of such Member's executions will continue to receive the $0.0001 Displayed Match Fee Discount and the Non-Displayed Match Fee Discount with no cap on aggregate monthly savings.[28] The Exchange notes that executions subject to the Crumbling Quote Remove Fee [29] are not eligible for the Displayed Match Fee Discount or the Non-Displayed Match Fee Discount. The Exchange further notes that the Displayed Match Fee Discount and Non-Displayed Match Fee Discount are not applicable to executions subject to the Internalization Fee.

IEMM tier	Quoting requirements	Non-displayed match fee discount	Displayed match fee discount
Inside Tier	Displayed order resting at either the NBB or the NBO, or both the NBB and NBO, for 20% of the time during Regular Market Hours.	$0.0001	$0.0001.
Depth Tier	Displayed order resting at the greater of 1 MPV or 0.03% away from the NBBO (or more aggressive) for 75% of the time during Regular Market Hours.	$0.0001 (up to $20,000.00 in aggregate savings, per month inclusive of Displayed Match Fee Discount savings).	$0.0001 (up to $20,000.00 in aggregate savings, per month inclusive of Non-Displayed Match Fee Discount savings).

The proposed Displayed Match Fee Discount and Non-Displayed Match Fee Discount was developed after informal discussions with a variety of IEX Members, including traditional electronic market making firms, as well as other Members that have expressed interest in serving in a market maker capacity that are willing and able to commit capital to support extensive price discovery at and/or near the NBBO. The Exchange believes that, as a general matter, the practice of making markets refers to trading strategies that display bids to purchase and offers to sell a security in relatively equal proportion, with an expectation of profit by capturing the delta between the two prices (*i.e.,* market makers try to capture the spread while avoiding the accumulation of a long or short position). However, the potential profits derived by market makers from capturing the spread is constrained by, among other things, the high likelihood of being adversely selected or ''run-over'' in fast-moving markets (*i.e.,* the likelihood of buying (selling) a security shortly before the price moves down (up)). In order to incentivize market makers to display quotations despite the potential for adverse selection, other national securities exchanges offer a variety of pricing incentives that are centered on rebates.[30]

The Exchange has several reasons for proposing to offer a discount on displayed and non-displayed trading, in contrast to a rebate for displayed trading. First, as noted above, the Exchange has made a conscious choice not to pay exchange rebates to brokers in exchange for order flow, and instead has focused on earning order flow from market participants by designing a market that provides greater execution quality.

The Exchange has designed the IEMM Program as an alternative financial incentive for Members to display aggressively priced orders on the Exchange, avoiding the potential conflicts of interest inherent in the maker-taker pricing model. The Exchange believes that rebates paid for displayed liquidity, which are typically retained by the broker (in the case of agency orders), have the potential to distort broker order routing decisions at the expense of their investor clients. A similar conflict would exist if brokers acting as agent displayed customer order flow on IEX to qualify for designation as an IEMM in order to reap the benefits of the proposed Displayed Match Fee Discount and Non-Display Match Fee Discount without necessarily passing those decreased costs on to their investor clients.[31] However, this conflict only exists for market participants that represent customers as agent. Therefore, the Exchange has designed the IEMM Program to structurally eliminate this conflict by only considering a Member's principal orders when determining if

[28] For example, if one or more of Member ABCD's MPIDs satisfied the obligations of the Inside Tier and the Depth Tier, all of Member ABCD's executions that are subject to the Non-Displayed Match Fee would be charged $0.0007, rather than $0.0009, and executions that are subject to the Displayed Match Fee would be charged $0.0001, rather than $0.0003, up to $20,000 in aggregate savings from the Depth Tier Displayed Match Fee Discount, and then the balance of Member ABCD's executions subject to the Non-Displayed Match Fee and Displayed Match Fee would be charged $0.0008 (rather than $0.0009), and $0.0002 (rather than $0.0003), respectively, with no cap on aggregate monthly savings.

[29] *See* Fee Code Q (Crumbling Quote Remove Fee Indicator), along with the footnote appurtenant thereto in the Investors Exchange Fee Schedule, available on the Exchange public website, which together describe the applicable fee for executions that take liquidity during periods of quote instability as defined in Rule 11.190(g) that exceed the CQRF Threshold, which is equal to is equal to 5% of the sum of a Member's total monthly executions on IEX if at least 1,000,000 shares during the calendar month, measured on an MPID basis. *See also* Securities and Exchange Act Release No. 81484 (August 25, 2017) 82 FR 41446 (August 31, 2017) (SR–IEX–2017–27).

[30] As described by Larry Harris of the U.S.C. Marshall School of Business in a 2013 paper regarding the maker-taker pricing model and its effects on market quotations, the first system to introduce the maker-taker scheme was Island ECN in 1997, which encouraged brokers to post customer limit orders in their systems that ultimately generated revenues for these brokers when these customer orders executed, and encouraged proprietary traders to make markets in their trading systems. Because takers paid the high access fee when trading with these orders, brokers and proprietary traders typically routed their taking orders first to traditional-fee exchanges (and off exchange-dealers) when the same prices were available at these other trading venues. The standing orders at maker-taker exchanges thus usually were the last orders to trade at their prices. Although this consequence was disadvantageous to the customers, in the absence of regulatory criticism of this obvious agency problem, the brokers continued to route customer orders to the ECNs to obtain the liquidity rebates. To remain competitive, all US equity exchanges ultimately adopted the maker-taker pricing model. *See* Larry Harris, ''Maker-Taker Pricing Effects on Market Quotations'' at 5 (Nov. 14, 2013).

[31] *See* the SEC's Division of Trading and Markets' October 20, 2015 memorandum to the SEC's Market Structure Advisory Committee at 17–18, which states in support that ''the maker-taker pricing model presents a potential conflict of interest between brokers and their customers that results from the way in which fees and rebates are assessed. Broker-dealers that are members of an exchange pay fees to and receive rebates from the exchange for each transaction they execute on it, but broker-dealers typically do not pass back those fees and rebates to their customers. Accordingly, if a broker-dealer can earn a rebate for routing its customer's order to a certain venue—and keep that rebate for itself—the broker-dealer may have an incentive to route to the venue with the highest rebate, rather than diligently search out the venue likely to deliver the best execution of its customer's order. A similar conflict may exist for taker fees, as broker-dealers may seek to minimize their trading costs by routing to the execution venue with the lowest fees. Maker-taker fees, therefore, result in a potential misalignment between the broker's own interests and its obligation to seek the best execution for its customer's order.''

such Member's order activity satisfied one or more IEMM Tiers.

In addition, the Exchange believes paying rebates to liquidity providers has a measurable impact on execution quality. For example, IEX's recent white paper (that utilized publicly available quote and trade data to compare market quality across U.S. stock exchanges) empirically found that on maker-taker exchanges (which dominate the U.S. equities trading landscape in market share) resting orders (*i.e.,* the maker) on average experience greater adverse selection, less market stability around executions, significantly longer queues at the inside, and a lower probability of execution.[32] Accordingly, the Exchange believes the proposed IEMM Program offers an alternative financial incentive that avoids paying rebates for liquidity providing orders, and instead offers reduced transaction fees by way of the Displayed Match Fee Discount and the Non-Displayed Match Fee Discount that is designed to avoid the adverse impact to execution quality that the Exchange believes flow from the existing maker-taker pricing models, while still incentivizing Members to make displayed markets on the Exchange.

Furthermore, the Exchange believes rebates have the circular effect of perpetuating the modern-day exchange practice of charging ever increasing prices for low latency connectivity and depth of book market data that is required for firms to compete for priority at the NBBO.[33] Independent research has indicated that queue position (which is largely a function of relative speed), impacts execution quality. Specifically, being at the top of the queue has the potential to increase the chance of capturing the spread, reduces the likelihood of adverse selection, and reduces the time an order is providing a directional signal to the market (which can increase the risk of adverse selection).[34] Furthermore, being at the top of the queue also provides more certainty regarding the collection of exchange rebates for providing liquidity. However, because exchanges that pay rebates to members to add liquidity have the longest queues,[35] competing for queue position on maker-taker exchanges requires members to pay high fees for low latency connectivity and depth of book market data, because understanding the relative order of displayed quotes on an exchanges order book and having the ability to be the first order at a price level is critical for successfully establishing queue position. As a result, market makers are forced to pay to compete based on speed, in addition to competing on price to provide liquidity to the markets.

Secondly, Members that participate as market makers necessarily interact with the Exchange using displayed orders, but do not interact with the Exchange using displayed orders exclusively. In fact, many firms that participate as market makers use non-displayed orders as a part of their market making strategies to optimize returns on their displayed market making activities (*e.g.,* a firm making a market in security XYZ that receives an execution at the NBB may offset that position by placing a non-displayed Discretionary Peg order to sell on IEX, which is protected from trading at the midpoint of the NBBO when IEX perceives the market to be unstable, pursuant to Rule 11.190(g)). For instance, during the fourth quarter of 2017, just over seventy-percent (70%) of the volume traded on IEX by Members that are currently registered market makers on the Exchange was subject to the Non-Displayed Match Fee.[36] Accordingly, the Exchange is proposing to offer both a Displayed Match Fee Discount, as well as a Non-Displayed Match Fee Discount. The proposed Displayed Match Fee Discount is designed to provide IEMM's relief from the fees incurred as a result of their increased displayed order activity. The proposed Non-Displayed Match Fee Discount is designed to incentivize Members by reducing the firms largest expense of trading on the Exchange (*i.e.,* non-displayed executions). Lastly, based on informal discussions with Members that have expressed interest in the proposed IEMM Program, the Exchange believes that reducing the overall costs of trading on the Exchange for Members designated as IEMM's will provide a sufficient financial incentive to provide meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of the day.

The Exchange currently does not operate a listing market, but is preparing to launch a listings business for corporate issuers in 2018. Upon launch of the listing business, the Exchange expects to face intense competition from NYSE and Nasdaq, which the Exchange believes essentially operate as a duopoly in the U.S. listing market. Therefore, the Exchange has designed the proposed IEMM Program in part to address the significant competitive challenges it will face in establishing itself as a competitive listings market. Specifically, requiring IEMMs to be a registered IEX Market Makers in each security listed on IEX, and to qualify as an IEMM under one of the tiers described above in all securities listed on IEX (subject to the limited exception), is designed to attract issuers to list on the Exchange by providing enhanced liquidity incentives to market participants for IEX-listed securities that accrue to the benefit of issuers listed on IEX as well as market participants generally.

Pursuant to Rule 11.151, IEX registered Market Makers are required to comply with the two-sided quote and pricing obligations. This requirement is substantially identical to the requirements applicable to NYSE and Nasdaq market makers.[37] Based on informal discussions with various market participants, including some that act as registered market makers on other exchanges, the Exchange understands that the obligation for registered market makers to comply with the two-sided quote and pricing obligations is perceived to be a systemically burdensome obligation that presents

[32] *See* A Comparison of Execution Quality across U.S. Stock Exchanges, Elaine Wah, Stan Feldman, Francis Chung, Allison Bishop, and Daniel Aisen, Investors Exchange (2017), which studied four dimensions of market quality—liquidity, execution costs, price discovery, and market stability—and within each category, examined the structural mechanics responsible for observed disparities in execution quality.

[33] For example, according to a recent report published by Healthy Markets on U.S. equity market data, a market participant that wanted to purchase the fastest connections with the most relevant trading information for Cboe BZX Exchange, Inc. (''Cboe BZX''), Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., the Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq PHLX LLC, Nasdaq BX, Inc., NYSE, NYSE American LLC, and NYSE Arca, Inc., has seen its costs rise from $72,150 per month on June 1, 2012 to $182,775 per month on June 1, 2017. *See* US Equity Market Data—How Conflicts of Interest Overwhelm an Outdated Regulatory Model & Market Participants, Healthy Markets (November 16, 2017). *See also* a comment letter on Securities Exchange Act Release No. 78556 (August 11, 2016) 81 FR 54877 (August 17, 2016) (SR–NYSE–2016–45) from David L. Cavicke, Chief Legal Officer, on behalf of Wolverine Trading LLC, Wolverine Execution Services LLC, and Wolverine Trading Technologies LLC, opposing NYSE's proposal to increase fees for, among other things, connectivity and data feeds, noting that based on an analysis of their fee over an 8 year period, NYSE's market data and connectivity costs have increased by over 700%, for a total of at least $123,750 per month.

[34] *See* KCG Market Insights, The Need For Speed: Its Important, Even for VWAP Strategies, Phil Mackintosh.

[35] *See* A Comparison of Execution Quality across U.S. Stock Exchanges, Elaine Wah, Stan Feldman, Francis Chung, Allison Bishop, and Daniel Aisen, Investors Exchange (2017) at 21.

[36] The Exchange notes that because the proposed Non-Displayed Match Fee Discount is applied evenly across all of a Member's non-displayed executions that receive the Non-Displayed Match Fee, the benefits flow congruently across the various trading desks and clients (as applicable) at the Member firm.

[37] *See* NYSE Rule 107B(d), and Nasdaq Rule 4600.

regulatory risk.[38] Even firms with highly sophisticated trading technology and robust technology controls face unintended system outages and disruptions characteristic of complex systems, which may ultimately result in some ''gap'' in the market maker's required continuous quotations. In response to informal feedback from potential market makers, the Exchange recently proposed and the Commission approved a Market Maker Peg Order designed to simplify market maker compliance with IEX Rule 11.151.[39] However, notwithstanding the availability of the Market Maker Peg Order functionality, a market maker remains responsible for entering, monitoring, and resubmitting, as applicable, quotations that meet the requirements of Rule 11.151. The Exchange believes that incentives for Members to act as Market Makers generally, as well as to maintain tighter markets than required by IEX Rule 11.151, would enhance displayed liquidity in IEX-listed securities. Accordingly, the Exchange has designed the IEMM Program to address both goals, and believes the proposed IEMM Program will serve as an incentivize for Members to take on the obligations and attendant risks of registering as an IEX Market Maker, and to make tighter markets by providing the proposed alternative fee incentives to IEX Market Makers that also qualify as an IEMM.

Lastly, the Exchange is proposing to make non-substantive changes to the Exchange's Fee Schedule to replace and re-organize the asterisked footnotes with numbered footnotes, and make minor changes to capitalization for defined terms. This change is designed to make the Exchange's Fee Schedule clearer, and ensure that footnotes are listed in chronological order.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)[40] of the Act in general, and furthers the objectives of Sections 6(b)(4)[41] of the Act, in particular, in that 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. Additionally, IEX believes that the proposed fees are consistent with the objectives of Section 6(b)(5)[42] of the Act in particular in that they are designed to promote just and equitable principles of trade, to remove impediments to a free and open market and national market system, and in general to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed IEMM Program takes a narrowly tailored approach, designed to encourage Market Makers to provide meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities, which benefits all market participants by deepening the Exchange's liquidity pool in such securities. IEX believes that to the extent Market Makers enter more aggressively priced displayed orders on the Exchange in response to the alternative fee based incentives, there will be increased liquidity on IEX, thereby contributing to public price discovery, consistent with the goal of enhancing market quality. Additionally, the Exchange believes that price discovery would be enhanced by potentially drawing more natural trading interest to the public markets, which would deepen liquidity and dampen the impact of shocks from liquidity demand. Further, to the extent price discovery is enhanced and more orders are drawn to the public markets, orders executed on IEX rather than being internalized on broker-operated platforms or executed on other alternative trading venues will have the benefit of exchange transparency, regulation, and oversight.

The Exchange believes that the proposed Displayed Match Fee Discount and Non-Displayed Match Fee Discount, which were developed after extensive informal discussions with various Members, are reasonable because they are designed to incentivize the entry of aggressively priced displayed orders by reducing the firms' largest expense of trading on the Exchange (*i.e.,* non-displayed executions),[43] as well as accounting for the increased costs for displayed execution associated a Members increased displayed order activity. As noted in the Purpose section, based on informal discussions with Members that have expressed interest in the proposed IEMM Program, the Exchange believes that reducing the overall cost of trading on the Exchange for Members designated as IEMM's will provide a sufficient financial incentive to provide meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of the day.

The Exchange believes that applying a benefit to all of an IEMM's executions at or above $1.00 that are subject to the Displayed Match Fee and Non-Displayed Match Fee is reasonable, and consistent with an equitable allocation of fees, because, as noted above in the Purpose section, the proposed Displayed Match Fee Discount and Non-Displayed Match Fee Discount are applied evenly across all of a Member's displayed and non-displayed executions above $1.00 that receive the Displayed Match Fee and Non-Displayed Match Fee, thus the benefits flow congruently across the various trading desks and clients (as applicable) at the Member firm. Moreover, the Exchange believes that decisions on whether to act as a Market Maker on IEX are generally made at the firm level, and therefore providing a financial incentive to all of a Members' displayed and non-displayed trading on IEX is designed to incentivize Members to act as Market Makers on IEX. Furthermore, the Exchange believes that applying a benefit to all of an IEMM's executions that are subject to the Displayed Match Fee and Non-Displayed Match Fee is reasonable in that it is designed in part to compete with the per share rebates that other exchanges currently pay for adding liquidity, which the Exchange believes have a significant impact on order routing decisions, without directly paying Members for order flow. Instead, the Exchange has severed the direct one-to-one relationship between the financial incentive and a Members displayed liquidity providing executions, by instead offering a per-share reduction in the cost of a Members displayed and non-displayed executions on the Exchange in return for meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities. What is more, the Exchange believes that the applying a benefit to all of an IEMM's executions at or above $1.00 that are subject to the Displayed Match Fee and Non-Displayed Match Fee is reasonable in that it is also designed in part to

[38] *See, e.g., NYSE Regulation* v. *IMC Financial Markets,* Proceeding No. 2016–07–01311 (May 4, 2017); *NYSE Regulation* v. *Virtu Financial BD LLC,* Proceeding No. 2016–07–01267 (December 20, 2016).

[39] *See* Securities Exchange Act Release No. 81482 (August 25, 2017), 82 FR 41452 (August 31, 2017) (SR–IEX–2017–22).

[40] 15 U.S.C. 78f.

[41] 15 U.S.C. 78f(b)(4).

[42] 15 U.S.C. 78f(b)(5).

[43] As discussed in the Purpose Section above, Members that participate as market makers necessarily interact with the Exchange using display orders, but do not interact with the Exchange using displayed orders exclusively. For instance, during the third quarter of 2017, just over seventy-percent (70%) of the volume traded on IEX by Members that are currently registered market makers on the Exchange was subject to the Non-Displayed Match Fee.

address the significant competitive challenges the Exchange will face in launching a listings business by providing a sufficient benefit to Members that will act as a market maker in IEX-listed securities.

Furthermore, the Exchange believes that only a considering a Member's principal orders when determining if such Member's order activity satisfied one or more IEMM Tiers is reasonable and not unfairly discriminatory, because it is designed to avoid the potential conflicts of interest inherent in the maker-taker pricing model. As discussed in the Purpose section, the Exchange believes that rebates paid for displayed liquidity, which are typically retained by the broker (in the case of agency orders), have the potential to distort broker order routing decisions at the expense of their investor clients. A similar conflict would exist if brokers acting as agent displayed customer order flow on IEX to qualify for designation as an IEMM in order to reap the benefits of the proposed Non-Display Match Fee Discount and Display Match Fee Discount without necessarily passing those decreased costs on to their investor clients.[44] However, this potential conflict only exists for market participants that represent customers as agent. Therefore, the Exchange believes that only a considering a Member's principal orders when determining if such Member's order activity satisfied one or more IEMM Tiers is reasonable and not unfairly discriminatory.

Furthermore, while some Members may face unique financial and operational challenges that could pose practical limitations on their trading strategies, the Exchange notes that all Members are eligible to enter displayed orders in a principal capacity on the Exchange to the extent they are willing and able to commit capital to support price discovery at and/or near the NBBO. Accordingly, the Exchange believes it is reasonable and not unfairly discriminatory to only consider a Member's principal orders when determining if such Member's order activity satisfied one or more IEMM Tier.

Furthermore, the Exchange believes the exception from the requirement to be registered as a Market Maker in all IEX-listed securities as set forth in proposed Supplemental Material .01 is reasonable in that it provides Members flexibility to address any legal or regulatory requirements, or temporary operational restrictions associated with acting as a Market Maker in a security that is listed on IEX, without eliminating the financial incentives that such Member may otherwise qualify for under the IEMM Program as a result of their quoting activity in all other listed securities. The Exchange believes it is fair and equitable and not unfairly discriminatory to provide the limited exception to qualifying Market Makers because the exception provides narrowly tailored relief. IEX and other national securities exchange's rules already provide excused withdrawal relief from compliance with market maker quoting obligations based on legal or regulatory requirements, in recognition that there are circumstances in which it would be violative of legal and regulatory requirements for a firm to trade in a particular security.[45] As discussed above, these requirements could include, for example, participation in an offering of a security, or the possession of material nonpublic information. Similarly, IEX and other national securities exchange's rule provide excused withdrawal relief from compliance with market maker quoting obligations based on systemic equipment problems, in recognition of the technical complexities inherent in automated market making. The Exchange believes that the same considerations are applicable to participation in the IEMM Program, and it would be inappropriate to preclude a Market Maker from eligibility for the IEMM incentives based on bona fide legal or regulatory requirements or temporary operational restrictions. Thus, the Exchange does not believe that the limited exception raises any new or novel issues. Further, the exception will be granted to all Market Makers on a fair and equitable basis, if the Market Maker provides documentation satisfactory to IEX Regulation that substantiates the reasons for the requested exception.

The Exchange believes that proposed Supplemental Material .02 is reasonable in that it is designed to provide Members clarity regarding their eligibility for designation as an IEMM when their order activity over the course of a month satisfies the requirements of one of the applicable IEMM Tiers, but the Member is not a registered Market Maker in all securities listed on IEX as of the first trading day of the calendar month. Furthermore, Exchange believes allowing Members to qualify for designation as an IEMM under these circumstances is appropriate and reasonable, because it avoids disparate treatment of Members that were not registered Market Makers as of the start of a calendar month, but otherwise provided meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of the day.

Moreover, the Exchange believes that proposed Supplemental Material .03 is reasonable in that it is designed to provide Members additional clarity regarding the Exchange's calculation for determining whether the order activity satisfied the applicable NBBO Quoting Percentage and Depth Quoting Percentage by accounting for scenarios where continuous trading is halted or paused pursuant to Rule 11.280, and therefore the IEMM would be unable to enter orders to meet satisfy [sic] the applicable requirements. The Exchange believes that not accounting for scenarios where continuous trading is halted or paused would be unreasonable, and inconsistent with the quoting requirements set forth in the proposed IEMM Tiers, because it would make the effective IEMM Tier quoting requirements variable, requiring additional order activity to satisfy the applicable quoting requirements for securities that are subject to a trading halt or pause. Furthermore, the Exchange notes that accounting for scenarios where continuous trading is halted or paused is also consistent with Rule 11.151(a)(2) regarding the obligations of registered Market Makers, which states in relevant part that Market Makers quoting obligations are suspended during a trading halt or pause.

The Exchange believes that the proposed Displayed Match Fee Discount and Non-Displayed Match Fee Discount for Members that qualify for designation as an IEMM is reasonable, in that IEX will continue to charge relatively low fees for all executed shares, and is in the

[44] *See* the SEC's Division of Trading and Markets' October 20, 2015 memorandum to the SEC's Market Structure Advisory Committee at 17–18, which states in support that ''the maker-taker pricing model presents a potential conflict of interest between brokers and their customers that results from the way in which fees and rebates are assessed. Broker-dealers that are members of an exchange pay fees to and receive rebates from the exchange for each transaction they execute on it, but broker-dealers typically do not pass back those fees and rebates to their customers. Accordingly, if a broker-dealer can earn a rebate for routing its customer's order to a certain venue—and keep that rebate for itself—the broker-dealer may have an incentive to route to the venue with the highest rebate, rather than diligently search out the venue likely to deliver the best execution of its customer's order. A similar conflict may exist for taker fees, as broker-dealers may seek to minimize their trading costs by routing to the execution venue with the lowest fees. Maker-taker fees, therefore, result in a potential misalignment between the broker's own interests and its obligation to seek the best execution for its customer's order.''

[45] *See* IEX Rule 11.152. *See also* NYSE Rule 107B(d), and Nasdaq Rule 4600.

range, or lower than, the fees many other exchanges charge for removing (*i.e.,* taking) liquidity on maker-taker venues,[46] and consistent with Rule 610(c) of Regulation NMS.[47] Furthermore, the Exchange believes that the proposed IEMM Program is consistent with the Act's requirement that the Exchange provide for an equitable allocation of fees, because Members that qualify for designation as an IEMM will provide benefits to all market participants by promoting price discovery and increasing the depth of liquidity available at and/or near the inside market. Such Members also benefit IEX by enhancing its competitiveness as a market center that attracts actionable orders. Accordingly, IEX believes that it is consistent with an equitable allocation of fees to offer the proposed Displayed Match Fee Discount and Non-Displayed Match Fee Discount on a Member's displayed and non-displayed executions at or above $1.00 in recognition of these benefits to the Exchange and its Members.

Moreover, the Exchange believes that not placing a cap on the aggregate monthly savings from the Displayed Match Fee Discount and Non-Displayed Match Fee Discount for Inside Tier IEMMs, and imposing the proposed cap on the aggregate monthly savings from the Displayed Match Fee Discount and Non-Displayed Match Fee Discount for the Depth Tier IEMMs is reasonable and consistent with an equitable allocation of fees, because such cap is designed to maintain congruity between the benefits provided by IEMMs to the Exchange and the broader market, and the financial incentives provided by the Exchange in return. Market Makers that qualify under the Inside Tier will provide enhanced price discovery and liquidity at the NBBO. Comparatively, while each proposed tier provides substantial benefits to the market, Market Makers that meet only the Depth Tier would provide depth of liquidity at prices near the NBBO, without necessarily providing enhanced price discovery and liquidity at the NBBO. Additionally, the risk associated with a potential adverse execution for a Depth Tier IEMM is not as material as an Inside Tier IEMM. Thus, the Exchange believes the proposed IEMM Tiers and their corresponding fee incentives and caps are commensurate with the level of liquidity that the Member provides to the Exchange and its Members, and the risk associated with providing such liquidity, and are consistent with the Act. The Exchange notes that all Members are free to abstain from or discontinue participation in the proposed IEMM Program if the proposed fee reductions do not provide a sufficient incentive considering such Member's trading activity. Accordingly, the Exchange believes the proposed IEMM Tiers and their corresponding fee incentives and caps are reasonable and consistent with an equitable allocation of fees, and not unreasonably discriminatory.

The Exchange further believes it is appropriate not to consider executions subject to the Crumbling Quote Remove Fee as eligible for the Displayed Match Fee Discount or Non-Displayed Match Fee Discount. A Member's executions that are subject to the Crumbling Quote Remove Fee are necessarily a part of a trading strategy that the Exchange believes evidences a form of predatory latency arbitrage that leverages low latency proprietary market data feeds and connectivity along with predictive models to chase short-term price momentum and successfully target resting orders at unstable prices. Furthermore, if the Exchange were to apply the Displayed Match Fee Discount and Non-Displayed Match Fee Discount to executions that are subject to the Crumbling Quote Remove Fee, it would frustrate its fundamental purpose of disincentivizing predatory trading strategies to further incentivize additional resting liquidity, including displayed liquidity, on IEX. Thus, a Member that is able to simultaneously meet an IEMM Tier while also executing orders that are subject to the Crumbling Quote Remove Fee, should not be afforded the benefit of the Displayed Match Fee Discount or Non-Displayed Match Fee Discount on such executions.

The Exchange further believes it is appropriate not to consider executions subject to the Internalization Fee as eligible for the Displayed Match Fee Discount or Non-Displayed Match Fee Discount. A Member's executions that are subject to the Internalization Fee are provided at no cost to the Member. If the Exchange were to apply the Displayed Match Fee Discount and Non-Displayed Match Fee Discount to executions that are subject to the Internalization Fee, it would provide a net credit to the Member (*i.e.,* pay a rebate). As described above, the Exchange has made a conscious choice to not pay rebates to brokers in exchange for order flow, and instead has focused on earning order flow from market participants by designing a market that provides greater execution quality.[48] Thus, the Exchange proposes to not further discount an execution which is already provided free of charge.

The Exchange notes that other market centers offer a diverse range of fee based incentives to their members for trading activity that they believe improves market quality.[49] Similarly, the Exchange believes the proposed IEMM Program is designed to further improve market quality on the Exchange and across the broader market. While the Exchange believes the proposed IEMM Program is distinguishable from the fee based incentives offered by other market centers in so far as the Exchange is not proposing to offer a rebate, the underlying goals and policy considerations are substantially similar. Thus, the Exchange believes the proposed IEMM Program does not pose any new or novel concepts not already considered by the Commission in connection with the current fee based market quality incentive programs offered by other market centers.

The Exchange further believes that the IEMM Program is reasonable and consistent with an equitable allocation of fees, and not unfairly discriminatory, because the IEMM Program is available to all market participants that qualify for designation as an IEMM, regardless of the size of the firm or its trading volumes. The Exchange notes that all Members that satisfy the applicable requirements are eligible for designation as an IEMM on a fair and equal basis. Moreover, the Exchange believes that the proposed IEMM Tiers that Members may qualify under for designation as an

[46] For example, the NYSE trading fee schedule on its public website reflects fees to ''take'' liquidity ranging from $0.0024–$0.00275 depending on the type of market participant, order, and execution. The Nasdaq trading fee schedule on its public website reflects fees to ''remove'' liquidity ranging from $0.0030 per share for shares executed at or above $1.00 or 0.30% of total dollar volume for shares executed below $1.00. Cboe BZX trading fee schedule on its public website reflects fees for ''removing'' liquidity ranging from $0.0030 for shares executed at or above $1.00 or 0.30% of total dollar volume for shares executed below $1.00, subject to certain limited exceptions for orders trading in the opening, IPO or halt auctions in Cboe BZX-listed securities.

[47] 17 CFR 242.610(c)(1).

[48] *See supra* note 15.

[49] *See, e.g.,* Nasdaq Rule 7014 (Market Quality Incentive Programs), which includes a variety of programs that offer fee based incentives to Nasdaq members that meet certain trading requirements. For example, the Nasdaq Qualified Market Maker (''QMM'') Program allows Nasdaq members to qualify as a QMM if they are registered Nasdaq market makers, quote at the NBBO for a specified period of time in a specified number of securities, and are not assessed any ''Excess Order Fee'' under Nasdaq Rule 7018. In order to incentivize members to qualify as QMM's, Nasdaq offers a series of rebates per share executed, which vary depending on the QMM's percentage of consolidated volume in the applicable security and which market center the security is listed on. Moreover, Nasdaq offers qualified QMM's a reduced fee for removing liquidity on Nasdaq, which varies depending on what market the security is listed on. *See* Nasdaq Rule 7014(d)–(e).

IEMM are consistent with an equitable allocation of fees, because, as discussed in the purpose section above, the proposed fee reductions and the corresponding caps for Depth Tier IEMM's are commensurate with the level of liquidity that the Member provides to the Exchange and its Members.

In conclusion, for the reasons discussed above, the Exchange believes that the proposed IEMM Program is consistent with Sections 6(b)(4) and 6(b)(5) of the Act in that it does not permit unfair discrimination between customers, issuers, brokers, or dealers, and 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.

Lastly, the Exchange believes that the proposed non-substantive changes to the Exchange's Fee Schedule to replace and re-organize the asterisked footnotes with numbered footnotes, and make minor changes to capitalization for defined terms is reasonable, and consistent with the protection of investors and the public interest, in that it is designed to make the Exchange's Fee Schedule clearer, and ensure that footnotes are listed in chronological order.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed IEMM Program and corresponding fee reductions will increase competition and draw additional volume to the Exchange. Furthermore, in order to compete with incumbent maker-taker exchanges for order flow without directly paying Members for such orders with rebates, the Exchange is proposing to offer an alternative fee-based incentive to Members that engage in trading activity that enhances market quality and price discovery on the Exchange. Importantly, the Exchange operates in a highly competitive market in which market participants can readily favor competing venues if fee schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited, and does not believe that such fees would burden competition of Members or competing venues in a manner that is not necessary or appropriate in furtherance of the purposes of the Act.

Moreover, as noted above, upon launch of the listing business for corporate issuers in 2018, the Exchange expects to face intense competition from NYSE and Nasdaq, which the Exchange believes essentially operate as a duopoly in the U.S. listing market. Therefore, the Exchange has designed the proposed IEMM Program in part to address the significant competitive challenges it will face in establishing itself as a competitive listings market. Specifically, requiring IEMMs to be a registered IEX Market Maker in each security listed on IEX, and to qualify as an IEMM under one of the tiers described above in all securities listed on IEX, is designed to enhance execution quality in such securities, which the Exchange believes will also encourage issuers to choose to list on IEX. Thus, the Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed rule change may serve as a catalyst for increasing intermarket competition in the highly-concentrated U.S. listings market, which the Exchange believes currently operates as a duopoly dominated by NYSE and Nasdaq.

Furthermore, 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 some Members may face unique financial and operational challenges that could pose practical limitations on their trading strategies, the proposed fee incentives are available to all Members that choose to register as a market maker and adjust their trading activity to qualify for designation as an IEMM. Further, as noted above, the proposed fee reductions are designed to encourage Members to add liquidity at prices that benefit all IEX Members, and thus will not impose any burden on intramarket competition that is not appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [50] of the Act.

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 under Section 19(b)(2)(B) [51] 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–IEX–2018–02 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–IEX–2018–02. 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

[50] 15 U.S.C. 78s(b)(3)(A)(ii).

[51] 15 U.S.C. 78s(b)(2)(B).

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–IEX–2018–02, and should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82644; File No. SR–ISE–2018–10]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Schedule of Fees To Modify Complex Order Fees and Rebates

February 6, 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 January 30, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Schedule of Fees.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Schedule of Fees to modify certain complex order fees and rebates in Section II, and to make a number of non-substantive changes to update certain section headings. Each change is described below.[3]

Priority Customer Complex Order Rebate for Select Symbols

Currently as set forth in Section II of the Schedule of Fees, the Exchange provides rebates to Priority Customer[4] complex orders that trade with Non-Priority Customer[5] complex orders in the complex order book or trade with quotes and orders on the regular order book. Rebates are tiered based on a member's average daily volume (''ADV'') executed during a given month as follows: 0 to 14,999 contracts (''Tier 1''), 15,000 to 44,999 contracts (''Tier 2''), 45,000 to 59,999 contracts (''Tier 3''), 60,000 to 74,999 contracts (''Tier 4''), 75,000 to 99,999 contracts (''Tier 5''), 100,000 to 124,999 contracts (''Tier 6''), 125,000 to 224,999 contracts (''Tier 7''), and 225,000 or more contracts (''Tier 8''). In Select Symbols,[6] the rebate is $0.26 per contract for Tier 1, $0.30 per contract for Tier 2, $0.36 per contract for Tier 3, $0.41 per contract for Tier 4, $0.42 per contract for Tier 5, $0.44 per contract for Tier 6, $0.46 per contract for Tier 7, and $0.49 per contract for Tier 8. The Exchange now proposes to increase the rebate amounts to $0.45 in Tier 6 and $0.50 in Tier 8.

Non-Priority Customer Complex Order Taker Fee for Select Symbols

Currently, the Exchange charges a complex order taker fee for Select Symbols that is $0.47 per contract for Market Maker[7] orders (or $0.44 per contract for Market Makers with total affiliated Priority Customer Complex ADV of 150,000 or more contracts),[8] and $0.48 per contract for Non-Nasdaq ISE Market Maker,[9] Firm Proprietary[10]/ Broker-Dealer,[11] and Professional Customer[12] orders. Priority Customer orders are not charged a complex order taker fee for Select Symbols. The Exchange now proposes to increase the complex order taker fee to $0.50 per contract for Non-Priority Customer orders in Select Symbols. As proposed, Market Makers with total affiliated Priority Customer Complex ADV of

[52] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed pricing changes on January 2, 2018 (SR–ISE–2018–02). On January 11, 2018, the Exchange withdrew that filing and submitted SR–ISE–2018–05. On January 22, 2018, the Exchange withdrew SR–ISE–2018–05 and submitted SR–ISE–2018–08. On January 30, 2018, the Exchange withdrew SR–ISE–2018–08 and submitted this filing.

[4] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in ISE Rule 100(a)(37A).

[5] Non-Priority Customer includes Market Maker, Non-Nasdaq GEMX Market Maker, Firm Proprietary, Broker-Dealer, and Professional Customer.

[6] ''Select Symbols'' are options overlying all symbols listed on ISE that are in the Penny Pilot Program.

[7] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively.

[8] Nasdaq ISE Market Makers making or taking liquidity receive a discount of $0.02 when trading against Priority Customer orders preferenced to them in the Complex Order Book in equity options that are able to be listed and traded on more than one options exchange. This discount does not apply to FX Options Symbols or to option classes designated by the Exchange to receive a guaranteed allocation pursuant to Nasdaq ISE Rule 722(b)(3)(i)(B).

[9] A ''Non-Nasdaq ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[10] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[11] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[12] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

150,000 or more contracts will continue to receive the discounted fee of $0.44. Additionally, preferenced Market Makers will continue to receive the applicable discount of $0.02 per contract when trading against Priority Customer order preferenced to them in the complex order book.[13]

Non-Priority Customer Complex Surcharge for Non-Select Symbols

The Exchange proposes to amend Section II of the Schedule of Fees to adopt a surcharge of $0.03 per contract on Non-Priority Customer complex orders in Non-Select Symbols [14] that take liquidity from the complex order book. For clarification, the proposed Non-Priority Customer complex surcharge will not apply to orders executed or submitted in the Exchange's various auction mechanisms.[15]

Update Fee Schedule Headings

Currently, the Exchange's Schedule of Fees contains a number of section headings that are not currently reflected in the Table of Contents. The Exchange added or eliminated these headings as parts of previous rule changes, and inadvertently did not make the corresponding updates to the Table of Contents.[16] Accordingly, the Exchange proposes to update the Table of Contents to make its Schedule of Fees easier to read. The Exchange also proposes to renumber Section VIII.J to Section VIII.K in connection with these clean-up changes.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[18] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Priority Customer Complex Order Rebate for Select Symbols

The Exchange believes that it is reasonable to increase the rebates provided to Priority Customer complex orders in the manner discussed above, as these proposed rebates are designed to attract additional Priority Customer complex order volume to the Exchange. The Exchange already provides volume-based tiered rebates for Priority Customer complex orders, and believes that increasing the rebates will incentivize members to send additional order flow to ISE in order to achieve these rebates for their Priority Customer complex order volume, creating additional liquidity to the benefit of all members that trade complex orders on the Exchange.

The Exchange notes that Priority Customer orders will continue to receive complex order rebates,[19] while other market participants will continue to pay a fee. The Exchange does not believe that this is unfairly discriminatory as a Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers.

Non-Priority Customer Complex Order Taker Fee for Select Symbols

The Exchange believes that it is reasonable to increase the complex order taker fee to $0.50 per contract for Non-Priority Customer orders in Select Symbols because the increased taker fees are designed to offset the enhanced Priority Customer rebates discussed above. Furthermore, the proposed taker fees are set at levels that the Exchange believes will continue to be attractive to market participants that trade on ISE. As noted above, Market Makers with total affiliated Priority Customer Complex ADV of 150,000 or more contracts will continue to receive the discounted fee of $0.44 under this proposal. Additionally, preferenced Market Makers will continue to receive the applicable discount of $0.02 per contract when trading against Priority Customer order preferenced to them in the complex order book.[20]

The Exchange's proposal to increase the Non-Priority Customer complex order taker fee is equitable and not unfairly discriminatory because the increased fee will apply to all similarly-situated market participants. As noted above, Priority Customers will continue to receive complex order rebates, while other market participants will continue to pay a fee. The Exchange does not believe that this is unfairly discriminatory for the reasons discussed above. The Exchange also notes that Market Maker orders will continue to be eligible for lower fees than other non-Priority Customer orders. The Exchange does not believe that it is unfairly discriminatory provide lower fees to Market Maker orders as Market Makers are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not.

Non-Priority Customer Complex Surcharge for Non-Select Symbols

The Exchange believes that its proposal to adopt a surcharge of $0.03 per contract on Non-Priority Customer complex orders in Non-Select Symbols that take liquidity from the complex order book is reasonable, equitable and not unfairly discriminatory. Assessing this surcharge to only those orders that take liquidity from the market is reasonable because the Exchange wants to continue to encourage market participation for those participants that seek to add liquidity on ISE. In addition, the Exchange believes that excluding complex orders executed in the Exchange's various auction mechanisms from the proposed Non-Priority Customer complex surcharge is reasonable for the reasons that follow. The proposed complex surcharge will not apply to complex orders executed in the Facilitation Mechanism, Solicited Order Mechanism and Price Improvement Mechanism as such orders have separate pricing in Section II of the Schedule of Fees, and the Exchange wants to continue to encourage participation within these auction mechanisms. The Exchange also believes that the exclusion of ''exposure'' auctions pursuant to ISE Rule 722(b)(3)(iii) from the Non-Priority Customer complex surcharge is reasonable because the Exchange wants to encourage participation in this auction and have it continue to be attractive to market participants who

[13] *See* note 8 above.

[14] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols.

[15] Today, the complex order auctions consist of the Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism and ''exposure'' auctions pursuant to ISE Rule 722(b)(3)(iii).

[16] In particular, the Exchange deleted Sections V.C, VI.B, and VII.D, and added Sections V.D, VI.C, VI.E–VI.I, and VIII.J as parts of previous rule changes to amend ISE's Schedule of Fees. *See* Securities Exchange Release No. 68324 (November 30, 2012), 77 FR 72901 (December 6, 2012) (SR–ISE–2012–89); Securities Exchange Release No. 81095 (July 7, 2017), 82 FR 32409 (July 13, 2017) (SR–ISE–2017–62); Securities Exchange Release No. 81903 (October 19, 2017), 82 FR 49450 (October 25, 2017) (SR–ISE–2017–91); and Securities Exchange Release No. 82446 (January 5, 2018), 83 FR 1446 (January 11, 2018) (SR–ISE–2017–112).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

[19] With the exception of responses to complex crossing orders, including complex PIM orders, where Priority Customers are charged a fee like other market participants.

[20] *See* note 8 above.

will be assessed the lower fee. The Exchange believes that the complex fee structure as proposed will remain attractive to market participants, who will continue to be charged lower fees for adding liquidity to the complex order book than for removing liquidity. ISE notes that other options exchanges assess similar surcharges on complex orders that remove liquidity from the complex order book.[21]

The Exchange's proposal to adopt the $0.03 per contract Non-Priority Customer complex order surcharge in the manner discussed above is equitable and not unfairly discriminatory because the surcharge will apply to all similarly-situated market participants.

Update Fee Schedule Headings

The Exchange believes that the clean-up changes to update the section headings in its Schedule of Fees is reasonable, equitable and not unfairly discriminatory because these are non-substantive changes intended to make the Schedule of Fees more transparent to members and investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees and rebates are designed to attract additional order flow to ISE, and the Exchange believes that its complex order pricing remains attractive to market participants. The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

[21] Nasdaq PHLX (''Phlx''), CBOE Options (''CBOE''), and MIAX Options (''MIAX'') assess similar surcharges for complex order executions that remove liquidity from the complex order book for non-penny classes. *See* Phlx Pricing Schedule, Section II, note 7; CBOE Fees Schedule, Complex Surcharge, and note 35; and MIAX Fee Schedule, Sections (1)(a)(i) and (ii).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[22] and Rule 19b–4(f)(2)[23] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–2018–10 and should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

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[22] 15 U.S.C. 78s(b)(3)(A)(ii).

[23] 17 CFR 240.19b–4(f)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82643; File No. SR–CboeBZX–2017–012]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the LHA Market State® Tactical U.S. Equity ETF, a Series of the ETF Series Solutions, Under Rule 14.11(i), Managed Fund Shares

February 6, 2018.

On December 7, 2017, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares of the LHA Market State® Tactical U.S. Equity ETF (''Fund'') under BZX Rule 14.11(i). The proposed rule change was published for comment in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Register on December 28, 2017.[3] On January 31, 2018, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates March 28, 2018, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2017–012), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02726 Filed 2–9–18; 8:45 am]

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[3] *See* Securities Exchange Act Release No. 82379 (Dec. 21, 2017), 82 FR 61608.

[4] In Amendment No. 1, which amended and replaced the proposed rule change in its entirety, the Exchange: (a) Supplemented the description of the Fund's relative exposures to the U.S. equity and S&P 500 futures markets; (b) made conforming informational and rule reference corrections to maintain internal consistency; (c) updated the status of the registration statement for the Fund; (d) clarified the use of certain defined terms; and (e) made other technical and non-substantive changes. Amendment No. 1 to the proposed rule change is available on the Commission's website at: *https://www.sec.gov/comments/sr-cboebzx-2017-012/cboebzx2017012.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82638; File No. SR–NYSEArca–2018–09]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Certain of the Governing/Documents of Its Intermediate Parent Companies

February 6, 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 January 29, 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 amend certain of the governing documents of its intermediate parent companies Intercontinental Exchange Holdings, Inc. (''ICE Holdings''), NYSE Holdings LLC (''NYSE Holdings'') and NYSE Group, Inc. (''NYSE Group'') to make a technical change updating the registered office and registered agent in the state of Delaware. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain of the governing documents of its intermediate parent companies ICE Holdings, NYSE Holdings, and NYSE Group to make a technical change updating the registered office and registered agent in the state of Delaware.[4]

ICE Holdings and NYSE Group are corporations and NYSE Holdings is a limited liability corporation, all organized under the laws of the State of Delaware. As such, they are required to have and maintain a registered office and registered agent in Delaware.[5] The Exchange proposes to amend certain of their governing documents to change the registered office and registered agent.

More specifically, the Exchange proposes to amend the following provisions in the listed documents (collectively, the ''Governing Documents''):[6]

- Article II (Registered Office) of the Ninth Amended and Restated Certificate of Incorporation of ICE Holdings;
- Article II, Sections 2.4 (Registered Office) and 2.5 (Registered Agent) of the Ninth Amended and Restated Limited Liability Company Agreement of NYSE Holdings;
- the Certificate of Formation of NYSE Holdings;[7]
- Article II (Registered Office) of the Sixth Amended and Restated Certificate of Incorporation of NYSE Group; and
- Article I, Section 1.1 (Registered Office) of the Fourth Amended and Restated Bylaws of NYSE Group.

The listed provisions identify The Corporation Trust Company as the

[4] Intercontinental Exchange Inc., the ultimate parent of the Exchange, owns 100% of the equity interest in ICE Holdings, which in turn owns 100% of the equity interest in NYSE Holdings. NYSE Holdings owns 100% of the equity interest of NYSE Group, which in turn directly owns 100% of the equity interest of the Exchange and its national securities exchange affiliates, New York Stock Exchange LLC (''NYSE''), NYSE American LLC and NYSE National, Inc. ICE is a publicly traded company listed on the NYSE.

[5] *See* Del. Code tit 6, § 18–104, and Del. Code tit 8, §§ 131 and 132.

[6] Some of the Governing Documents were recently amended. *See* Securities Exchange Act Release No. 82083 (November 15, 2017), 82 FR 55453 (November 21, 2017) (SR–NYSEArca–2017–125).

[7] The Certificate of Formation of NYSE Holdings is amended by filing a ''State of Delaware Certificate of Amendment Changing Only the Registered Office or Registered Agent of a Limited Liability Company,'' as set forth in Exhibit 5C of the proposed rule change.

registered agent, and provide that the address of the registered office in Wilmington, Delaware is Corporation Trust Center, 1209 Orange Street. The Exchange proposes to amend such provisions to identify United Agent Group Inc. as the registered agent, and to provide that the address of the registered office is 3411 Silverside Road, Tatnall Building No. 104, Wilmington, County of New Castle, Delaware 19810.

In addition, conforming changes would be made to the title [sic], recitals, dates and signature lines, as applicable, of the Governing Documents.

The change is a non-substantive technical administrative change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act [8] in general, and with Section 6(b)(1) [9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive administrative change that does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the Governing Documents rules identify the registered agent and registered office in Delaware would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules. Similarly, the proposed conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with its rules. The Exchange believes that, by ensuring that such rules accurately identify the registered agent and registered office in Delaware, and by making conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents, the proposed rule change would reduce potential investor or market participant confusion.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with making a technical change updating the registered office and registered agent of each Intermediate Holding Company.

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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(3) [12] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may 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) [13] 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–2018–09 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–2018–09. 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–NYSEArca–2018–09, and

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(3).

[13] 15 U.S.C. 78s(b)(2)(B).

should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02722 Filed 2–9–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82642; File No. SR–CboeBZX–2018–007]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Cboe BZX Exchange, Inc.

February 6, 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 January 31, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 BZX 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 (''BZX Equities'') to amend the criteria necessary to qualify for the enhanced rebate provided by the Single MPID Investor Tier 1 under footnote 4. The Exchange currently offers two Single MPID Investor Tiers under footnote 4, which provide an enhanced rebate of $0.0031 or $0.0027 per share for qualifying orders which yield fee codes B,[6] V,[7]or Y.[8] The distinction between the tiers under footnote 4 and other tiers offered by the Exchange, is that the volume measured to determine whether a Member qualifies is performed on an Member Participant Identifier (''MPID'') by MPID basis. The Exchange proposes to modify the criteria necessary to achieve the Tier 1 under footnote 4 as described below. Currently, under Tier 1 a Member may receive an enhanced rebate of $0.0031 per share where their MPID has: (i) An ADAV [9] as a percentage of TCV [10] ≥0.35%; and (ii) an ADAV as a percentage of ADV [11] ≥90%. The Exchange proposes to ease the first prong of the tier's criteria to now require that the Member's MPID an ADAV as a percentage of TCV ≥0.30%, rather than 0.35%. The Exchange does not proposes to amend their tier's enhanced rebate or the second prong of the tier's required criteria.

The Exchange proposes to implement the above change to its fee schedule on February 1, 2018.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4),[13] 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. Furthermore, the Exchange notes that routing through the Exchange's affiliate, Bats Trading, is voluntary.

The Exchange believes that the proposed modification to the tiered pricing structure is reasonable, fair and equitable, and non-discriminatory. The Exchange operates in a highly competitive market in which market participants may readily send order flow to many competing venues if they deem fees at the Exchange to be excessive or incentives provided to be insufficient. The proposed structure remains intended to attract order flow to the Exchange by offering market participants a competitive pricing structure. The Exchange believes it is reasonable to offer and incrementally modify incentives intended to help to contribute to the growth of the Exchange.

Volume-based pricing such as that proposed herein have been widely adopted by exchanges, including the Exchange, and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provisions and/or growth patterns; and (iii) introduction of

[14] 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] Fee code B is appended to displayed orders which add liquidity to Tape B and is provided a rebate of $0.0025 per share.

[7] Fee code V is appended to displayed orders which add liquidity to Tape A and is provided a rebate of $0.0020 per share.

[8] Fee code Y is appended to displayed orders which add liquidity to Tape C and is provided a rebate of $0.0020 per share.

[9] ''ADAV'' means average daily added volume calculated as the number of shares added per day and ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis. *See* the BZX Equities fee schedule *available at http://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.*

[10] ''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. *Id.*

[11] *See supra* note 9.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

higher volumes of orders into the price and volume discovery processes.

The proposed modification of the Single MPID Investor Tier 1 under footnote 4 should further incentive Members to send a higher level of orders to the Exchange in order to meet the tier's decreased criteria. The Exchange believes that by decreasing the tier's criteria, although modestly, it will encourage those Members who could not achieve the tier previously to increase their order flow as a means to receive the tier's enhanced rebate on an MPID basis. Thus, the Exchange believes that the proposed modification is reasonable and equitable because it should provide Members who viewed the current criteria as too high and did not previously attempt to achieve the tier's criteria with an incentive to add order flow to reach the new lower threshold. The proposed modification is non-discriminatory because it applies and is available to all Members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change to the its tiered pricing structure burdens competition, but instead, enhances competition as it is intended to increase the competitiveness of BZX by modifying pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. The Exchange 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 structures to be unreasonable or excessive. The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all Members uniformly.

(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 [14] and paragraph (f) of Rule 19b–4 thereunder.[15] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2018–007 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–2018–007. 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–CboeBZX–2018–007 and should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02725 Filed 2–9–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 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 206(3)–2, SEC File No. 270–216, OMB Control No. 3235–0243

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 for extension and approval.

Rule 206(3)–2, (17 CFR 275.206(3)–2) which is entitled ''Agency Cross Transactions for Advisory Clients,'' permits investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–6(3)) by obtaining a client's blanket consent to enter into agency cross transactions (*i.e.,* a transaction in which an adviser acts as a broker to both the advisory client and the opposite party to the transaction), provided that certain disclosures are made to the client. Rule 206(3)–2 applies to all registered investment advisers. In relying on the rule, investment advisers must provide certain disclosures to their clients. Advisory clients can use the disclosures to monitor agency cross transactions that affect their advisory account. The Commission also uses the information required by Rule 206(3)–2 in connection with its investment adviser inspection program to ensure that advisers are in compliance with the

rule. Without the information collected under the rule, advisory clients would not have information necessary for monitoring their adviser's handling of their accounts and the Commission would be less efficient and effective in its inspection program.

The information requirements of the rule consist of the following: (1) Prior to obtaining the client's consent appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The Commission estimates that approximately 426 respondents use the rule annually, necessitating about 50 responses per respondent each year, for a total of 21,300 responses. Each response requires an estimated 0.5 hours, for a total of 10,650 hours. The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the cost of Commission rules and forms.

This collection of information is found at (17 CFR 275.206(3)–2) and is necessary in order for the investment adviser to obtain the benefits of Rule 206(3)–2. The collection of information requirements under the rule is mandatory. Information subject to the disclosure requirements of Rule 206(3)–2 does not require submission to the Commission; and, accordingly, the disclosure pursuant to the rule is not kept confidential. Commission-registered investment advisers are required to maintain and preserve certain information required under Rule 206(3)–2 for five (5) years. The long-term retention of these records is necessary for the Commission's inspection program to ascertain compliance with the Advisers Act.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within sixty 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 7, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02796 Filed 2–9–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82640; File No. SR–NYSE–2018–07]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Certain of the Governing Documents of Its Intermediate Parent Companies

February 6, 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 January 29, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 amend certain of the governing documents of its intermediate parent companies Intercontinental Exchange Holdings, Inc. (''ICE Holdings''), NYSE Holdings LLC (''NYSE Holdings'') and NYSE Group, Inc. (''NYSE Group'') to make a technical change updating the registered office and registered agent in the state of Delaware. The proposed 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 Exchange proposes to amend certain of the governing documents of its intermediate parent companies ICE Holdings, NYSE Holdings, and NYSE Group to make a technical change updating the registered office and registered agent in the state of Delaware.[4]

ICE Holdings and NYSE Group are corporations and NYSE Holdings is a limited liability corporation, all organized under the laws of the State of Delaware. As such, they are required to have and maintain a registered office and registered agent in Delaware.[5] The Exchange proposes to amend certain of their governing documents to change the registered office and registered agent.

More specifically, the Exchange proposes to amend the following provisions in the listed documents

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Intercontinental Exchange Inc., the ultimate parent of the Exchange, owns 100% of the equity interest in ICE Holdings, which in turn owns 100% of the equity interest in NYSE Holdings. NYSE Holdings owns 100% of the equity interest of NYSE Group, which in turn directly owns 100% of the equity interest of the Exchange and its national securities exchange affiliates, NYSE Arca, Inc., NYSE American LLC and NYSE National, Inc. ICE is a publicly traded company listed on the NYSE.

[5] *See* Del. Code tit 6, § 18–104, and Del. Code tit 8, §§ 131 and 132.

(collectively, the ''Governing Documents''): [6]

- Article II (Registered Office) of the Ninth Amended and Restated Certificate of Incorporation of ICE Holdings;
- Article II, Sections 2.4 (Registered Office) and 2.5 (Registered Agent) of the Ninth Amended and Restated Limited Liability Company Agreement of NYSE Holdings;
- the Certificate of Formation of NYSE Holdings; [7]
- Article II (Registered Office) of the Sixth Amended and Restated Certificate of Incorporation of NYSE Group; and
- Article I, Section 1.1 (Registered Office) of the Fourth Amended and Restated Bylaws of NYSE Group.

The listed provisions identify The Corporation Trust Company as the registered agent, and provide that the address of the registered office in Wilmington, Delaware is Corporation Trust Center, 1209 Orange Street. The Exchange proposes to amend such provisions to identify United Agent Group Inc. as the registered agent, and to provide that the address of the registered office is 3411 Silverside Road, Tatnall Building No. 104, Wilmington, County of New Castle, Delaware 19810.

In addition, conforming changes would be made to the title [sic], recitals, dates and signature lines, as applicable, of the Governing Documents.

The change is a non-substantive technical administrative change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act [8] in general, and with Section 6(b)(1) [9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive administrative change that does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the Governing Documents rules identify the registered agent and registered office in Delaware would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules. Similarly, the proposed conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with its rules. The Exchange believes that, by ensuring that such rules accurately identify the registered agent and registered office in Delaware, and by making conforming changes to the title [sic], recitals, date and signature line, as applicable, of the Governing Documents, the proposed rule change would reduce potential investor or market participant confusion.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with making a technical change updating the registered office and registered agent of each Intermediate Holding Company.

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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(3) [12] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may 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) [13] 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–NYSE–2018–07 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–NYSE–2018–07. 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

[6] Some of the Governing Documents were recently amended. *See* Securities Exchange Act Release No. 82081 (November 15, 2017), 82 FR 55474 (November 21, 2017) (SR–NYSE–2017–57).

[7] The Certificate of Formation of NYSE Holdings is amended by filing a ''State of Delaware Certificate of Amendment Changing Only the Registered Office or Registered Agent of a Limited Liability Company,'' as set forth in Exhibit 5C of the proposed rule change.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(3).

[13] 15 U.S.C. 78s(b)(2)(B).

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–NYSE–2018–07, and should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02723 Filed 2–9–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82641; File No. SR–ICC–2018–002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to ICC's End-of-Day Price Discovery Policies and Procedures

February 6, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 26, 2018, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, security-based swap submission, or advance notice as described in Items I, II, and III below, which items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to make revisions to the ICC End-of-Day Price Discovery Policies and Procedures (''Pricing Policy'') related to the bid-offer width (''BOW'') methodology for Single Name instruments. These revisions do not require any changes to the ICC Clearing Rules.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ICC proposes revising its Pricing Policy to enhance the methodology used to determine bid-offer widths for Single Name instruments. ICC believes the enhancement will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions cleared by ICC.

(a) Summary of Proposed Changes

Each business day, ICC determines end-of-day (''EOD'') levels through its established price discovery process, based on EOD submissions from its Clearing Participants. ICC uses these levels for mark-to-market and risk management purposes. As part of its price discovery process, ICC determines BOWs for each clearing-eligible instrument. The BOWs are then used in ICC's price discovery process as inputs in the determination of EOD levels and Firm Trades.

The current methodology for determining BOWs for CDS instruments referencing a given Single Name reference entity is based on observed intraday bid and offer spread-levels for the most actively traded instrument (''MATI'') across the term structure and cleared coupons. ICC begins with a spread-based consensus BOW derived from intraday quotes for the MATI. This consensus BOW is then multiplied by a ''scrape factor'' to reflect any differences between the BOWs provided in intraday quotes and BOWs achieved in the market. Once the consensus BOW is determined, ICC applies various factors to the consensus BOW to reflect differences in instrument liquidity at longer and shorter maturities, and at higher and lower coupons. Scaling across maturities is performed in spread terms, while scaling of BOWs across coupons is performed in price terms. The transformations from spread to price are achieved using the ISDA Standard Model.

ICC is proposing to enhance the methodology for determining Single Name BOWs. The proposed enhancement eliminates the use of the ISDA Standard Model from the computation of Single Name BOWs.[3] ICC established its current BOW methodology at a time when it accepted submissions to its EOD price discovery process in both spread and price terms, at the discretion of its Clearing Participants. Since that time, ICC has enhanced its EOD price discovery process to accept Single Name submissions only in price terms, eliminating the need for spread-based BOWs. The proposed enhancement also determines BOWs consistently across Single Names on all reference entities, including those for which only sparse intraday data is available. Further, the enhancement extends the application of price-based BOW floors from the 0/3 month, 6 month and 1 year benchmark-tenors to the entire set of benchmark-tenors from 0 month to 10 years. Finally, the proposed enhancement introduces a dynamic feature that can widen BOWs in response to the observed dispersion of price-space mid-levels submitted in the EOD price-discovery process.

Under the proposed enhancement ICC will compute a consensus BOW, as described below, not only for the MATI as in the current methodology, but for each benchmark instrument. Rather than consensus BOWs being derived from intraday quotes, they will be computed as a price-based floor plus a relative BOW multiplied by the currently-observed level, where the currently-observed level is the average of price-space mid-levels submitted in the EOD price discovery process. The

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Note that the ISDA Standard Model is not used in ICC's methodology for determining BOWs for Index instruments, and that the proposed enhancements do not change ICC's methodology for determining BOWs for Index instrument.

Risk Management Department will determine relative BOWs and price-based floors in consultation with the Trading Advisory Committee (''TAC''). The relative BOWs will reflect observed variability in SN levels for MATIs. The price-based floors will reflect BOWs established for Indices representing baskets of the most distressed SNs.

As stated above, ICC currently applies various factors to consensus BOWs to reflect differences in instrument liquidity at longer and shorter maturities, and at higher and lower coupons. Under the proposed enhancement, ICC will apply analogous factors to consensus BOWs. Specifically, to determine a systematic EOD BOW for each benchmark-instrument at the most-actively-traded coupon (''MATC''), ICC will apply tenor scaling-factors to the corresponding consensus BOWs. These tenor-scaling factors reflect the BOW of each tenor relative to the BOW of the most-actively-traded tenor. To determine the systematic EOD BOWs for each benchmark-instrument at other coupons, ICC will apply a combination of tenor scaling-factors and coupon scaling-factors to the corresponding consensus BOWs. The coupon scaling-factors reflect increased BOWs at coupons larger or smaller than the MATC. The tenor and coupon scaling factors will be set by the ICC Risk Management Department, in consultation with the TAC, to reflect ratios of observed variability in SN levels at the MATI and at a given tenor/coupon. As with the current methodology, once all applicable factors have been applied, ICC will then apply the appropriate Single Name variability factor,[4] resulting in the final systematic BOWs.

Under the proposed enhancement, ICC will determine the final EOD BOWs as the greater of an instrument's systematic BOW, and a dynamic BOW established for the instrument. The dynamic BOW is the dispersion of price-space mid-levels submitted to the EOD price-discovery process for the given instrument.

ICC proposes revisions to the Governance section of the Pricing Policy to note that under the proposed approach, the responsibilities of the ICC Risk Management department include determining the price-based floors, relative BOWs, tenor scaling factors, and coupon scaling factors used to establish BOWs. ICC also proposes generalizing language to note that the ICC Risk Management department is responsible for ensuring that appropriate EOD levels are determined. ICC proposes to remove references to scrape factors, which under the current approach are applied to consensus BOWs determined from intraday quotes ''scraped'' from trader emails, but are not applicable under the proposed approach in which the determination of consensus BOWs does not involve ''scraped'' intraday quotes. ICC also proposes to add clarification that parameters used in the EOD price discovery process are established by the ICC Risk Management department in consultation with the TAC.

ICC proposes a revision to note that under the proposed approach, the TAC will review and provide input on revisions to BOW price-based floors. ICC proposes to remove reference to the TAC's review of scrape factors, which are not applicable under the proposed approach.

ICC proposes clarifying changes to the Pricing Policy. ICC proposes adding a clarifying footnote regarding ICC's use of the ISDA Standard Model. To improve clarity, ICC proposes to remove a sentence summarizing the inputs used by ICC to determine EOD BOWs for Single Name and index instruments, as these inputs are described in detail elsewhere in the document. ICC proposes a revision to note that trading desks at each self clearing member (''SCM'') are requested to copy ICC on the intraday quotes they provide market participants via email. ICC proposes removing outdated references regarding the computation of Single Name consensus BOWs. ICC proposes a revision to correct a typographical error by including the adjustment of trade levels to limit profit/loss impact (if required), in a list of ''cross-and-lock'' algorithm components. ICC proposes a clarifying edit to note that, for a given index, the EOD BOWs are computed based on the consensus BOW of the on-the-run instrument. ICC also proposes minor updates to the times of various end-of-day processes for different settlement windows, to reflect current practice. Finally, ICC proposes updates to section numbering and correction of a typographical error in a heading.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency be designed to protect investors and the public interest and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[6] because ICC believes that the proposed rule changes will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, as the proposed revisions allow for an enhanced methodology for determining Single Name BOWs, based on a function of the observed and submitted EOD levels. Following such changes, ICC will continue to maintain a robust EOD price discovery process, which includes the determination of EOD pricing levels and Firm Trade determinations. As such, the proposed changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F)[7] of the Act.

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule changes would have any impact, or impose any burden, on competition. The proposed changes to ICC's BOW methodology for Single Name instruments will apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[4] The Single Name variability factor is an existing feature of the system, used to widen Single Name BOWs in response to the variability of intraday quotes. See SR–ICC–2017–006.

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] Id.

[7] Id.

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–ICC–2018–002 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–ICC–2018–002. 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, security-based swap submission, or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission, or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2018–002 and should be submitted on or before March 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02724 Filed 2–9–18; 8:45 am]

BILLING CODE 8011–01–P

SELECTIVE SERVICE SYSTEM

Forms Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

The following form has been submitted to the Office of Management and Budget (OMB) for extension of clearance with change in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35):

SSS Form 1

Title: The Selective Service System Registration Form.

Purpose: Is used to register men and establish a data base for use in identifying manpower to the military services during a national emergency.

Respondents: All 18-year-old males who are United States citizens and those male immigrants residing in the United States at the time of their 18th birthday are required to register with the Selective Service System.

Frequency: Registration with the Selective Service System is a one-time occurrence.

Burden: A burden of two minutes or less on the individual respondent.

Change: Collecting email addresses from respondents.

Copies of the above identified form can be obtained upon written request to the Selective Service System, Operations Directorate, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance with change of the form should be sent within 30 days of the publication of this notice to the Selective Service System, Operations Directorate, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Dated: February 5, 2018.

Donald M. Benton,

Director.

[FR Doc. 2018–02762 Filed 2–9–18; 8:45 am]

BILLING CODE 8015–01–P

DEPARTMENT OF STATE

[Public Notice: 10259]

60-Day Notice of Proposed Information Collection: Grant Request Automated Submissions Program (GRASP)

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to April 13, 2018.

ADDRESSES:

You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2018–0001'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: Shearertp@state.gov.*
- *Regular Mail:* Send written comments to: Thomas P. Shearer, Office of Overseas Schools, U.S. Department of State, Room H328, 2301 C Street NW, Washington, DC 20522–0132.
- *Fax:* 202–261–8224.
- *Hand Delivery or Courier:* Thomas P. Shearer, Office of Overseas Schools, U.S. Department of State, Room H328, 2401 E Street NW, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Thomas P. Shearer, Office of Overseas Schools, U.S. Department of State, Room H328, 2301 C Street NW,

[8] 17 CFR 200.30–3(a)(12).

Washington, DC 20522–0132, who may be reached on 202–261–8201 or at *Shearertp@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Grant Request Automated Submissions Program (GRASP).
- *OMB Control Number:* 1405–0036.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Administration, A/OPR/OS.
- *Form Number:* DS–0573, DS–0574, DS–0575, DS–0576.
- *Respondents:* Recipients of grants.
- *Estimated Number of Respondents:* 192.
- *Estimated Number of Responses:* 192.
- *Average Time per Response:* 90 minutes.
- *Total Estimated Burden Time:* 288 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: In accordance with the Consolidated Overseas Schools Program as outlined in 2 FAM 610, the Office of Overseas Schools of the Department of State (A/OPR/OS) is responsible for determining that adequate educational opportunities exist at Foreign Service posts for dependents of U.S. Government personnel stationed abroad and for assisting American-sponsored overseas schools to demonstrate U.S. educational philosophy and practice. The information gathered enables A/OPR/OS to advise the Department and other foreign affairs agencies regarding current and constantly changing conditions, and enables A/OPR/OS to make judgments regarding assistance to schools for the improvement of educational opportunities.

The legal requirements that authorize the function of A/OPR/OS and thereby authorize the collection of information are the Foreign Assistance Act of 1961 (as amended), and the Mutual Educational and Cultural Affairs Act of 1961 (as amended), and the Department of State Basic Authorities Act of 1956, as amended by the Foreign Service Act of 1980, Public Law 96–465.

Methodology: Information is collected via electronic media.

Janice DeGarmo,

Executive Director, Bureau of Administration, Department of State.

[FR Doc. 2018–02797 Filed 2–9–18; 8:45 am]

BILLING CODE 4710–24–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: November 1–30, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–238–0423, ext. 1312, *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(e)

1. Sunoco Pipeline, L.P., ABR–201711001, Penn Township, Huntingdon County, Pa.; Consumptive Use of Up to 0.2000 mgd; Approval Date: November 2, 2017.

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, LLC, Pad ID: McEnaney, ABR–201304001.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 6, 2017.
2. Chesapeake Appalachia, LLC, Pad ID: Sharpe, ABR–201304004.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 6, 2017.
3. Chesapeake Appalachia, LLC, Pad ID: Poepperling, ABR–201304017.R1, North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 6, 2017.
4. Cabot Oil & Gas Corporation, Pad ID: DeluciaR P1, ABR–201211002.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 6, 2017.
5. Chesapeake Appalachia, LLC, Pad ID: Lucy, ABR–201304015.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 13, 2017.
6. Chief Oil & Gas, LLC, Pad ID: P. Cullen A Drilling Pad, ABR–201304019.R1, Overton Township, Bradford County and Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 13, 2017.
7. SWN Production Company, LLC, Pad ID: HARRIS PAD, ABR–201211015.R1, Harford and New Milford Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 13, 2017.
8. Chief Oil & Gas, LLC, Pad ID: Runabuck Drilling Pad, ABR–201305008.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 14, 2017.
9. SWN Production Company, LLC, Pad ID: RACINE PAD, ABR–201212003.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2017.
10. SWN Production Company, LLC, Pad ID: PLATUS PAD, ABR–201212004.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2017.
11. SWN Production Company, LLC, Pad ID: SWEENEY PAD, ABR–201212005.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2017.
12. SWN Production Company, LLC, Pad ID: CONKLIN EAST, ABR–201212009.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2017.
13. SWN Production Company, LLC, Pad ID: TINGLEY PAD, ABR–201212010.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2017.
14. SWN Production Company, LLC, Pad ID: WALKER WEST PAD 14, ABR–201301010.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2017.
15. Chief Oil & Gas, LLC, Pad ID: Hanlon,

ABR–201303003.R1, McNett Township, Lycoming County, and Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: November 20, 2017.

16. Chesapeake Appalachia, LLC, Pad ID: Hooker, ABR–201305001.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 21, 2017.
17. Chesapeake Appalachia, LLC, Pad ID: Visneski, ABR–201305002.R1, Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 21, 2017.
18. Chesapeake Appalachia, LLC, Pad ID: ODowd, ABR–201305006.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 21, 2017.
19. Pennsylvania General Energy, LLC, Pad ID: COP Tract 596 Pad B, ABR–201304007.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: November 29, 2017.
20. SWN Production Company, LLC, Pad ID: TI–01 Mase Monte, ABR–201711002, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 29, 2017.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 6, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–02697 Filed 2–9–18; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2017–0975]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Federal Aviation Administration is seeking approval from the Office of Management and Budget (OMB) for a renewal of the existing Information Collection 2120–0768. As required by the Paperwork Reduction Act of 1995 (PRA), the purpose of this notice is to allow 60 days for public comment.

The FAA proposes collecting information related to requests to operate Unmanned Aircraft Systems (UAS) in controlled airspace pursuant to 14 CFR part 107 (''part 107''). FAA will use the collected information to make determinations whether to authorize or deny the requested operation of UAS in controlled airspace. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

In addition, FAA proposes collecting information related to requests for waiver from the waivable provisions of 14 CFR part 107. The proposed information collection is necessary to determine whether the proposed operation is eligible for waiver consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

DATES: Written comments should be submitted by April 13, 2018.

ADDRESSES: You may submit comments [identified by Docket No. FAA–2017–0975] 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: Casey Nair, FAA's Unmanned Aircraft Systems (UAS) Low Altitude Authorization and Notification Capability (LAANC) Program Manager, tel (202) 267–0369 or via email at *Casey.Nair@faa.gov.*

SUPPLEMENTARY INFORMATION:

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 FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0768.

Title: Renewal of Existing Information Collection 2120–0768.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: Part 107 at § 107.41 states that ''no person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless that person has prior authorization from Air Traffic Control (ATC).'' Such authorization may be obtained in the form of either an airspace authorization or a waiver of 14 CFR 107.41 (''airspace waiver'') issued by the FAA. There is great interest from the public in conducting flight operations of small UAS under part 107.

In order to process these authorization and airspace waiver requests, the FAA requires the operator's name, the operator's contact information, and information related to the date, place, and time of the requested small UAS operation. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See, 49 U.S.C. 40103 and 44701; Public Law 112–95, Section 333.

Additionally, if the operator is seeking a waiver from the regulations listed in 14 CFR 107.205 (''operational waiver''), further information is required related to the proposed waiver and any necessary mitigations. The FAA will use the requested information to determine if the proposed UAS operation can be conducted safely.

The FAA proposes to use LAANC, or the Low Altitude Authorization and Notification Capability, and a web portal to process authorization requests from the public to conduct part 107 flight operations. The FAA also proposes to use the web portal to all members of the public to request authority to conduct flight operations that require a waiver from the waivable provisions in part 107.

Respondents: Small UAS operators seeking to conduct flight operations under 14 CFR part 107.

Number of Respondents: Between 2018–2020 FAA estimates it will receive a total of 160,766 requests for airspace authorizations, 24,721 requests for airspace waivers, and 15,169 requests for operational waivers.

Frequency: The requested information will need to be provided each time a respondent requests an airspace authorization to operate a small UAS under part 107 in controlled airspace. A respondent may reduce the frequency of providing by seeking and obtaining an airspace waiver to conduct recurring operations. For requests for operational waivers, a respondent will only need to provide the information once at the time of the request for waiver. If granted, operational waivers may be valid for up to four (4) years.

Total Annual Burden: The FAA estimates that the annual burden hours

on respondents will be 9,953 hours (3,208 hours for LAANC respondents and 6,745 hours for web portal respondents) for airspace authorizations, 4,120 hours for airspace waivers and 3,286 hours for operational waivers.

Issued in Washington, DC, on February 6, 2018.

Casey Nair,

FAA LAANC Program Manager, Program Management Office, AJM–33.

[FR Doc. 2018–02692 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0015]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MAYAN MYSTRESS; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 14, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0015. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MAYAN MYSTRESS is:

—*Intended Commercial Use of Vessel:* ''Pattie and I are retired and following our dream of touring the United States by water. Since we are both USCG licensed Captains, we would like to offset our operating costs by conducting sunset cruises, dinner cruises, sight seeing cruises, sailing instruction, and private charters in the regions we are visiting. We are eager to share our knowledge, experiences, and love of sailing with like minded guests, friends, and family without impacting the economic stability of the places we visit.''

—*Geographic Region:* ''Alabama, Alaska, California, Florida, Hawaii, Louisiana, Mississippi, Oregon, Puerto Rico, Texas, Washington.''

The complete application is given in DOT docket MARAD–2018–0015 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To better facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: February 6, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–02685 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0019]

Request for Comments on the Renewal of a Previously Approved Information Collection: Determination of Fair and Reasonable Rates for the Carriage of Agricultural Cargoes on U.S. Commercial Vessels—46 CFR

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. The information collection is used by MARAD in determining Fair & Reasonable rates for the carriage of bulk and packaged agriculture preference cargoes on U.S.-flag commercial vessels. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on November 14, 2017 (**Federal Register** 52771, Vol. 82, No. 218).

DATES: Comments must be submitted on or before March 14, 2018.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments are invited on: (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.

The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Albert Bratton, Telephone Number: (202) 366–5769, Office of Financial Approvals, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Determination of Fair and Reasonable Rates for the Carriage of Agricultural Cargoes on U.S. Commercial Vessels—46 CFR.

OMB Control Number: 2133–0514.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: This collection of information requires U.S.-flag operators to submit annual vessel operating costs and capital costs data to Maritime Administration officials. The information is used by the Maritime Administration in determining fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. In addition, U.S.-flag vessel operators are required to submit Post Voyage Reports to the Maritime Administration after completion of a cargo preference voyage.

Respondents: U.S. citizens who own and operate U.S.-flag vessels.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 41.

Estimated Number of Responses: 68.

Annual Estimated Total Annual Burden Hours: 176.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

* * * * *

By Order of the Maritime Administrator.

Dated: February 6, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–02699 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0017]

Request for Comments on the Renewal of a Previously Approved Information Collection: Application for Construction Reserve Fund and Annual Statements (CRF)

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected is required in order for MARAD to determine whether the applicant is qualified for the benefits of the CRF program. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before April 13, 2018.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2018–0017 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and 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.

Comments are invited on: (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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Daniel Ladd, 202–366–1859, Office of Financial Approvals, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Application for Construction Reserve Fund (CRF) and Annual Statements.

OMB Control Number: 2133–0032.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Construction Reserve Fund (CRF), authorized by 46 U.S.C. Chapter 533, is a financial assistance program which provides tax deferral benefits to U.S.-flag operators. Eligible parties can defer the gain attributable to the sale or loss of a vessel, provided the proceeds are used to expand or modernize the U.S. merchant fleet. The primary purpose of the CRF is to promote the construction, reconstruction, reconditioning, or acquisition of merchant vessels which are necessary for national defense and to the development of U.S. commerce.

Respondents: Citizens who own or operate vessels in the U.S. foreign or domestic commerce who desire tax benefits under the CRF program must respond.

Affected Public: Owners or operators of vessels in the domestic or foreign commerce.

Estimated Number of Respondents: 17.

Estimated Number of Responses: 17.

Estimated Hours per Response: 9 hour.

Annual Estimated Total Annual Burden Hours: 153.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

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By Order of the Maritime Administrator.

Dated: February 6, 2018.

T. Mitchell Hudson, Jr..

Secretary, Maritime Administration.

[FR Doc. 2018–02698 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0014]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel DELA; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws

under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 14, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0014. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel DELA is:

—*Intended Commercial Use of Vessel:* ''Sailing Instruction''

—*Geographic Region:* ''Washington State, Oregon, California, Hawaii''

The complete application is given in DOT docket MARAD–2018–0014 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Maritime Administrator. Dated: February 6, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–02684 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0006]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel WINSOME RIDE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 14, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0006. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel WINSOME RIDE is:

—*Intended Commercial Use of Vessel:* ''Half day and full day sailboat rides for hire''

—*Geographic Region:* ''Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, North Carolina, South Carolina, Georgia, Florida''

The complete application is given in DOT docket MARAD–2018–0006 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide

comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. § 55103, 46 U.S.C. § 12121.

* * * * *

By Order of the Maritime Administrator.

Dated: February 6, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–02686 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0018]

Request for Comments on the Renewal of a Previously Approved Information Collection: Application and Reporting Requirements for Participation in the Maritime Security Program

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used to determine if selected vessels are qualified to participate in the Maritime Security Program. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before April 13, 2018.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2018–0018 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and 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.

Comments are invited on: (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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: William McDonald, 202–366–0688, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W23–308, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Application and Reporting Requirements for Participation in the Maritime Security Program.

OMB Control Number: 2133–0525.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Maritime Security Act of 2003 extended under Section 3508 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112–239 provides for the enrollment of qualified vessels in the Maritime Security Program Fleet. Applications and amendments are used to select vessels for the fleet. Periodic reporting is used to monitor adherence of contractors to program parameters.

Respondents: Vessel operators.

Affected Public: Business or other for Profit.

Estimated Number of Respondents: 15.

Estimated Number of Responses: 195.

Annual Estimated Total Annual Burden Hours: 210.

Frequency of Response: Monthly/Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

* * * * *

By Order of the Maritime Administrator.

Dated: February 6, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–02700 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0016]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANYWHERE; Invitation for Public Comments

AGENCY: Maritime Administration

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 14, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0016. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ANYWHERE is:

—*Intended Commercial Use of Vessel:* ''The intended commercial use of the vessel is sightseeing charters, sightseeing tours, and bareboat charters in the NY, NJ, and CT tri-state area''

—*Geographic Region:* '' New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, Virginia''

The complete application is given in DOT docket MARAD–2018–0016 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of

this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * *

By Order of the Maritime Administrator.

Dated: February 6, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–02683 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0136]

Pipeline Safety: Meeting of the Gas Pipeline Advisory Committee

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice announces a public teleconference meeting of the Technical Pipeline Safety Standards Committee, also known as the Gas Pipeline Advisory Committee (GPAC). The GPAC will meet to continue discussing topics and provisions for the proposed rule titled ''Safety of Gas Transmission and Gathering Pipelines.''

DATES: The meeting will be held on March 2, 2018, from 10:00 a.m. to 5:00 p.m. ET. Members of the public who wish to participate are asked to register no later than February 22, 2018. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, may notify PHMSA by February 22, 2018. For additional information, see the **ADDRESSES** section.

ADDRESSES: This public meeting will be held via teleconference. Members of the public may join the teleconference individually, or join the teleconference in a designated space at the U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Washington, DC 20590. Please note that limited space is available for in-person attendance at DOT, and procedures governing security and the entrance to Federal buildings may change without notice. Therefore, members of the public seeking to participate in the teleconference at DOT must register on the pipeline advisory committee meeting and registration page at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=131.* Members of the public who will join the teleconference from other locations are also encouraged to register. PHMSA will post the final agenda and any additional information on the pipeline advisory committee meeting and registration page.

Presentations will be available on the meeting page and posted on the E-Gov website, *http://www.regulations.gov,* under docket number PHMSA–2016–0136 within 30 days following the meeting.

Public Participation

Anyone wishing to make a statement on the topics discussed during the meeting should send an email to *cheryl.whetsel@dot.gov* by the date specified in the **DATES** section. Each statement should not exceed two minutes.

Services for Individuals with Disabilities: The public meeting will be physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Cheryl Whetsel at *cheryl.whetsel@dot.gov.*

Written comments: Persons who wish to submit written comments on the meeting may submit them to the docket in the following ways:

E-Gov website: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2016–0136 at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Anyone can 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.). Therefore, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or view the Privacy Notice at *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2016–0136.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information about this meeting contact Cheryl Whetsel by phone at 202–366–4431 or by email at *cheryl.whetsel@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Meeting Details and Agenda

The GPAC will be considering the proposed rule titled, ''Safety of Gas Transmission and Gathering Pipelines,''

which was published in the **Federal Register** on April 8, 2016, (81 FR 20722) and on the associated regulatory analysis. In the proposed rule, PHMSA proposed the following changes to Part 192:

- Require periodic assessments of pipelines in locations where persons are expected to be at risk that are not already covered under the integrity management (IM) program requirements.
- Modify the repair criteria, both inside and outside of high consequence areas (HCAs).
- Require inspections of pipelines in areas affected by extreme weather, man-made and natural disasters, and other similar events.
- Provide additional specificity for in-line inspections, including explicit requirements to account for uncertainty of reported inspection data when evaluating in-line inspection data to identify anomalies.
- Expand integrity assessment methods to explicitly address guided wave ultrasonic inspection and excavation with direct in-situ examination.
- Provide clearer functional requirements for conducting risk assessments for IM, including addressing seismic risks.
- Expand the mandatory data collection and integration requirements for IM, including data validation and seismicity.
- Add requirements to address management of change.
- Repeal the use of API Recommended Practice 80 for gathering lines.
- Apply Type B requirements along with emergency requirements to newly regulated greater than 8-inch Type A gathering lines in Class 1 locations (GAO Recommendation 14–667).
- Extend the reporting requirements to all gathering lines.
- Expand requirements for corrosion protection to specify additional post-construction quality checks, and periodic operational and maintenance checks to address coating integrity, cathodic protection, and gas quality monitoring.
- Require operators to report maximum allowable operating pressure exceedances.
- Require safety features on in-line inspection tool launchers and receivers.
- Add certain types of roadways to the definition of ''identified sites'' (NTSB P–14–1).
- Address grandfathered pipe and pipe with inadequate records.

The GPAC meeting agenda will include the following discussion items:

- Strengthening IM Assessment Methods
- Assessments outside of HCAs
- Record Retention Requirements
- Repair Criteria (inside and outside of HCAs)

II. Committee Background

The GPAC is a statutorily mandated advisory committee that advises PHMSA on proposed gas pipeline safety standards and their associated risk assessments. The committee is established in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2, as amended) and 49 U.S.C. 60115. The committee consists of 15 members with membership evenly divided among federal and state governments, the regulated industry, and the general public. The committee advises PHMSA on the technical feasibility, reasonableness, cost-effectiveness, and practicability of each proposed pipeline safety standard.

Issued in Washington, DC, on February 6, 2018, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2018–02739 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0008]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments an information collection that will be expiring on April 30, 2018. PHMSA will request an extension with no change for the information collection identified by OMB control number 2137–0049.

DATES: Interested persons are invited to submit comments on or before April 13, 2018.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov website: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2018–0008, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2018–0008.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and

recordkeeping requests. This notice identifies an information collection request that PHMSA will submit to OMB for renewal. The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for this information collection activity. PHMSA requests comments on the following information collection:

1. Title: Recordkeeping Requirements for Gas Pipeline Operators.

OMB Control Number: 2137–0049.

Current Expiration Date: 4/30/2018.

Type of Request: Renewal of a currently approved information collection.

Abstract: A person owning or operating a natural gas pipeline facility is required to maintain records, make reports, and provide information to the Secretary of Transportation at the Secretary's request.

Affected Public: Owners and operators of natural gas pipeline facilities.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 12,300.

Estimated annual burden hours: 940,454.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal of this collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

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 February 6, 2018, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2018–02740 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2018–0017]

Notice of Public Meeting: Automated Vehicle Policy Summit

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: OST is announcing a public meeting to seek input regarding *Automated Vehicles (AV) 3.0.* This document will provide a framework for automation in the surface transportation system and describe DOT's multimodal approach to the safe rollout of AVs. The objectives of the public meeting are to: (1) Get feedback on the draft AV 3.0 Framework; and (2) identify priority Federal and non-Federal activities that can accelerate the safe rollout of AVs. The public meeting will be an open listening session to provide as great an opportunity for comment as possible. All comments provided during the meeting will be oral, and all written comments and presentations should be submitted to the docket for consideration.

DATES: OST will hold the public meeting on March 1, 2018, in Washington, DC. The meeting will start at 1:00 p.m. and continue until 4:00 p.m. EST. Check-in will begin at 12:00 p.m. Attendees should arrive early enough to go through security by 12:50 p.m.

ADDRESSES: The meeting will be held at the U.S. DOT Headquarters building located at 1200 New Jersey Avenue SE, Washington, DC 20590 (Green Line Metro station at Navy Yard) on the [Ground Floor Atrium]. This facility is accessible to individuals with disabilities. The meeting will also be Webcast live; a link to the Webcast will be made available through the registration process.

FOR FURTHER INFORMATION CONTACT: If you have questions about the public meeting, please contact us at *automation@dot.gov* or Sujeesh Kurup (202–366–9953) or Kevin Gay (202–493–0259).

SUPPLEMENTARY INFORMATION:

Registration is necessary for all attendees. Attendees should register at: *www.transportation.gov/av* by February 23, 2018. Please provide your name, email address, and affiliation. Also, indicate if you wish to offer oral remarks, and whether you require accommodations such as a sign language interpreter. In person attendance will be limited, so advance registration is required. In-person participants will be accepted on a first-come, first serve basis up to the maximum capacity of the event. For those unable to attend in person, there will also be the option to register for the Webcast of the event through the same registration site.

Although attendees will be given the opportunity to offer oral remarks during the Question and Answer portion of the meeting, there will not be time for attendees to make audio-visual presentations. Also, OST may not be able to accommodate all attendees who wish to make oral remarks; therefore, OST encourages submission of written comments to the docket. OST will conduct the public meeting informally, and technical rules of evidence will not apply. OST will arrange for a written transcript of the meeting and keep the official record open for 30 days after the meeting to allow submission of supplemental information. You may make arrangements to receive copies of the transcripts directly with the court reporter, and the transcript will also be posted in the docket when it becomes available.

In addition to the afternoon public meeting, the Department is hosting, in the morning, several stakeholder breakout sessions on various topics related to automation. The Department anticipates providing a brief summary of those sessions at the public meeting, followed later by a written report, which will be made publicly available, including being placed in the docket. Should it be necessary to cancel the meeting due to inclement weather or other emergency, OST will take all available measures to notify registered participants beforehand.

Written Comments: Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public meeting. Please submit all written comments no later than March 9, 2018, by any of the following methods:

- *Federal Rulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Mail:* Docket Management Facility: DOT, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

• *Fax:* 202–366–1767.

Instructions: All submissions must include the Agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Docket: For access to the docket, go to *http://www.regulations.gov* to find Docket No. DOT–OST–2018–0017 at any time or to 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202–366–9826.

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 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://www.regulations.gov/privacy.html.*

Confidential Information: Any submissions containing Confidential Information must be delivered to OST in the following manner:

• Submitted in a sealed envelope marked ''confidential treatment requested'';

• Accompanied by an index listing the document(s) or information that the submitter would like the Departments to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant pages numbers and/or section numbers within a document; and

• Submitted with a statement explaining the submitter's grounds for objecting to disclosure of the information to the public.

OST also requests that submitters of Confidential Information include a non-confidential version (either redacted or summarized) of those confidential submissions in the public docket. In the event that the submitter cannot provide a non-confidential version of its submission, OST requests that the submitter post a notice in the docket stating that it has provided OST with Confidential Information. Should a submitter fail to docket either a non-confidential version of its submission or to post a notice that Confidential Information has been provided, we will note the receipt of the submission on the docket, with the submitter's organization or name (to the degree permitted by law) and the date of submission.

Background

On September 12, 2017, DOT released *Automated Driving Systems (ADS) 2.0: A Vision for Safety* and requested public comment. *ADS 2.0,* which includes Voluntary Guidance for ADS and Technical Assistance to States, aims to support industry, government officials, safety advocates, and the public. *ADS 2.0* responds to public comments, advances a voluntary guidance framework, and assures industry, the States, and the public that the Department will remain a leader in innovation and safety. The full *Automated Driving Systems 2.0: A Vision for Safety* can be found at *www.transportation.gov/av.* DOT plans to release a third iteration of the guidance, AV 3.0, in 2018, which responds to feedback provided on 2.0 and provides a framework for automation in the surface transportation system.

Meeting Agenda

This public meeting is being held during the *Automated Vehicles 3.0* open comment period and provides an opportunity for individuals and stakeholders to express feedback on that draft framework. Input received at the public meeting may be used to make any necessary clarifications to the draft AV 3.0 Framework, or a future version of the automated vehicle guidance. As appropriate, OST will post clarification information on *www.transportation.gov/av.* The draft meeting agenda is as follows:

12:30–1:30 p.m.	Arrival/Check-In
1:30–2:00 p.m.	Keynote Addresses
2:00–2:10 p.m.	Overview of AV 3.0
2:10–2:30 p.m.	Expert Stakeholder Panel
2:30–3:00 p.m.	Multimodal Executive Panel
3:00–3:30 p.m.	Audience Question and Answer
3:30–4:00 p.m.	Report Outs from Stakeholder Sessions
4:00–4:15 p.m.	Closing Remarks
4:15 p.m.	Adjourn

Issued in Washington, DC, under authority delegated by 49 U.S.C. 1.25a on:

Dated: February 5, 2018.

Finch Fulton,

Deputy Assistant Secretary for Transportation Policy.

[FR Doc. 2018–02738 Filed 2–9–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

United States Mint

Meeting of the Citizens Coinage Advisory Committee

ACTION: Notice.

The United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for March 13, 2018.

Date: March 13, 2018.

Time: 9:00 a.m. to 3:00 p.m.

Location: Second Floor Conference Room, United States Mint, 801 9th Street NW, Washington, DC 20220.

Subject: Review and discussion of candidate designs for the 2019 American Legion Commemorative Coin Program, and review and discussion of concepts and themes for the Native American $1 Coin Program beyond 2020.

Interested members of the public may either attend the meeting in person or dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

Members of the public interested in attending the meeting in person will be admitted into the meeting room on a first-come, first-serve basis as space is limited. Conference Room A&B can accommodate up to 50 members of the public at any one time. In addition, all persons entering a United States Mint

facility must adhere to building security protocol. This means they must consent to the search of their persons and objects in their possession while on government grounds and when they enter and leave the facility, and are prohibited from bringing into the facility weapons of any type, illegal drugs, drug paraphernalia, or contraband.

The United States Mint Police Officer conducting the screening will evaluate whether an item may enter into or exit from a facility based upon federal law, Treasury policy, United States Mint Policy, and local operating procedure; and all prohibited and unauthorized items will be subject to confiscation and disposal.

FOR FURTHER INFORMATION CONTACT: Betty Birdsong, Acting United States Mint Liaison to the CCAC; 801 9th Street NW, Washington, DC 20220; or call 202–354–7200.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: February 6, 2018.

David Croft,

Acting Deputy Director, United States Mint.

[FR Doc. 2018–02770 Filed 2–9–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0501]

Agency Information Collection Activity Under OMB Review: Veterans Mortgage Life Insurance Inquiry

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, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 14, 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. 2900–0501'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0501'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Veterans Mortgage Life Insurance Inquiry (VA Form 29–0543).

OMB Control Number: 2900–0501.

Type of Review: Reinstatement of a Previously Approved Collection.

Abstract: The Veterans Mortgage Life Insurance Inquiry solicits information needed from Veterans for the proper maintenance of Veterans Mortgage Life Insurance accounts. The form is authorized by 38 U.S.C. 2106 and 38 CFR 8a.3(e). This form expired due to high volume of work and staffing 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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 204 on October 24, 2017, page 49269.

Affected Public: Individuals or Households.

Estimated Annual Burden: 17 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 200.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02715 Filed 2–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0166]

Agency Information Collection Activity Under OMB Review: Application for Ordinary Life

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, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 14, 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. 2900–0166'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0166'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Application for Ordinary Life, VA Form 29–8700, 29–8700a, 29–8700b, 29–8700c, 29–8700d, 29–8700e, 29–8701, 29–8701a, 29–8701b, 29–8701c, 29–8701d, 29–8701e, 29–8485 and 29–8485a.

OMB Control Number: 2900–0166.

Type of Review: Reinstatement of a Previously Approved Collection.

Abstract: These forms are used by the policyholder to apply for replacement insurance for Modified Life Reduced at Age 65 and 70. The information is required by law, 38 U.S.C. Section 1904. This form was allowed to expire due to high level of work volume and staffing 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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 230 on December 1, 2017, page 57028.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,284 Hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 15,400.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02714 Filed 2–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA).

ACTION: Notice of a modified matching program.

SUMMARY: The Department of Veterans Affairs (VA) provides notice that the VA intends to re-establish a computer matching agreement with the Social Security Administration (SSA). This disclosure provides VA with data to update the master records of VA applicants and beneficiaries, including Veterans and survivors, and their eligible dependent(s) who are receiving income-dependent benefits. This disclosure also provides VA with data to determine the continued eligibility of those receiving income-dependent benefits and those beneficiaries who are receiving disability compensation at the 100 percent rate because of unemployability, and allow VA to adjust or discontinue benefits accordingly.

DATES: Comments on this matching program must be received no later than March 14, 2018. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new system will become effective March 14, 2018. This matching program will begin on December 11, 2017, and end on June 10, 2019, with the option to renew an additional twelve months to June 10, 2020.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026 (not a toll-free number). Comments should indicate that they are submitted in response to ''COMPUTER MATCHING AGREEMENT (CMA) BETWEEN THE DEPARTMENT VETARNS AFFAIRS (VA) AND THE SOCIAL SECURITY ADMINISTRATION #1050 (SSA).'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, comments may be viewed online at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Bryant Coleman, Program Analyst, Pension and Fiduciary Service (21P), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (202) 461–8394.

SUPPLEMENTARY INFORMATION: This disclosure will provide VA with data to update the master records of VA applicants and beneficiaries, including Veterans and survivors, and their eligible dependent(s) who are receiving income-dependent benefits. This disclosure will also provide VA with data to determine the continued eligibility of those receiving income-dependent benefits and those beneficiaries who are receiving disability compensation at the 100 percent rate because of unemployability, and allow VA to adjust or discontinue benefits accordingly.

Legal authority for the disclosures under this agreement is 38 U.S.C. 5106, which requires Federal agencies to furnish VA with information the VA Secretary may request for determining eligibility for or the amount of VA benefits.

SSA will disclose to VA the necessary tax return information from the MEF, last fully published at 71 FR 1819 (January 11, 2006), and amended at 78 FR 40542. SSA will disclose to VA data from Master Files of Social Security Number (SSN) Holders and SSN Applications (the Enumeration System), 60–0058, last fully published at 75 FR 82121 (December 29, 2010), and amended at 78 FR 40542 (July 5, 2013) and 79 FR 8780 (February 13, 2014).

In accordance with the Privacy Act, 5 U.S.C. 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget. This notice is provided in accordance with the provisions of Privacy Act of 1974 as amended by Public Law 100–503.

Participating Agencies: The Social Security Administration (SSA) and VA.

Authority for Conducting the Matching Program: The Privacy Act, 5 U.S.C. 552a, and 38 U.S.C. 5106 authorize VA to enter into this CMA with SSA.

Purpose(s): This disclosure will provide VA with data to update the master records of VA applicants and beneficiaries, including Veterans and survivors, and their eligible dependent(s) who are receiving income-dependent benefits. This disclosure will also provide VA with data to determine the continued eligibility of those receiving income-dependent benefits and those beneficiaries who are receiving disability compensation at the 100 percent rate because of unemployability, and allow VA to adjust or discontinue benefits accordingly.

Categories of Individuals: Veterans and beneficiaries who apply for VA income benefits.

Categories of Records: VA will provide SSA with an electronic file in a format defined by SSA that contains the SSN, name, date of birth, and report year for each applicant, beneficiary, and eligible dependent(s) for whom tax return information is being requested. SSA will verify the SSNs furnished by VA using the Enumeration System. If the SSN of the VA applicant, beneficiary, or dependent(s) submitted to SSA verifies, SSA will return a response to VA that includes earnings data (employer identification and addresses, wage amounts from Form W–2, and earnings amounts from self-employment), SSN verification code, verified SSN, death indicator, annual total wages, and earnings report type on the record subject. If the SSN of the VA applicant, beneficiary, or dependent(s) submitted to SSA fails to verify, SSA will return a response to VA indicating that the SSN did not verify.

System(s) of Records: SSA will disclose to VA the necessary tax return information from the MEF, last fully published at 71 FR 1819 (January 11, 2006), and amended at 78 FR 40542. SSA will disclose to VA data from Master Files of Social Security Number (SSN) Holders and SSN Applications (the Enumeration System), 60–0058, last fully published at 75 FR 82121 (December 29, 2010), and amended at 78 FR 40542 (July 5, 2013) and 79 FR 8780 (February 13, 2014). VA will match the SSA data with data in its system of records (SOR) entitled ''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA (58VA21/22/28),'' republished with updated name at 74 FR 14865 (April 1, 2009) and last amended at 77 FR 42593 (July 19, 2012).

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John Oswalt, Executive Director for Privacy, Department of Veterans Affairs approved this document on December 20, 2017 for publication.

Dated: February 7, 2018.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy Information and Identity Protection, Office of Quality, Privacy and Risk, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2018–02759 Filed 2–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0073]

Agency Information Collection Activity: Enrollment Certification

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.

DATE: Comments must be submitted on or before March 14, 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. 2900–0073'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Department Clearance Officer—Ol&T (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW (Floor 5, area 368), Washington, DC 20420, (202) 461–5870 or email *Cynthia.harvey.pryor@va.gov.* Please refer to ''OMB Control No. 2900–0073'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–3521; 38 U.S.C. 3034, 3241, 3323, 3680; and 3684, 10 U.S.C. 16136, and 16166, 38 CFR 21.4203, 21.5200(d), 21.7152, 21.7652, and 21.9720.

Title: Enrollment Certification (VA Form 22–1999).

OMB Control Number: 2900–0073.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information collected on VA Form 22–1999 to determine the amount of educational benefits payable to the trainee during the period of enrollment or training. Additionally, VA also uses these forms to determine whether the trainee has requested an advance payment or accelerated payment of benefits. Without this information, VA would not have a basis upon which to make payment or to know if a person was requesting an advance or accelerated payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 233 on 12–06–2017, page 57654.

Affected Public: Institutions of Higher Learning.

Estimated Annual Burden: 851,394 hours.

Estimated Average Burden per Respondent: 15 min.

Frequency of Response: Twice Annually.

Estimated Number of Respondents: 1,702,788.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02713 Filed 2–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0469]

Agency Information Collection Activity Under OMB Review: Certificate Showing Residence and Heirs of Deceased Veterans or Beneficiary

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, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 14, 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. 2900–00469'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0469'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Certificate Showing Residence and Heirs of Deceased Veterans of Beneficiary VA Form 29–541.

OMB Control Number: 2900–0469.

Type of Review: Reinstatement of a Previously Approved Collection.

Abstract: The form is used by the Department of Veterans Affairs (VA) to establish entitlement to Government Life Insurance proceeds in estate cases when formal administration of the estate is not required. The information on the form is required by law, Title 38, U.S.C. Sections 1817 and 1950. This form was allowed to expire due to high level of work volume and staffing 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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 233 on December 6, 2017, page 57653.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,039 Hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,078.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02716 Filed 2–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Veterans Health Administration (VHA).

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974, notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records entitled, ''National Patient Databases-VA'' (121VA10P2) as set forth in 79 FR 8245. VA is amending the system of records by revising the System Number, Purpose, Routine Uses of Records Maintained in the System, Record Source Category, and Appendix. VA is republishing the system notice in its entirety.

DATES: Comments on the amendment of this system of records must be received no later than March 14, 2018. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the amended system will become effective March 14, 2018.

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

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; telephone (704) 245–2492. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The System Number is being changed from 120VA10P2 to 121VA10A7 to reflect the current organizational alignment.

The Purpose has been amended to replace Healthcare Associated Infections & Influenza Surveillance System (HAIISS) with National Center for Patient Safety Public Health System.

The Routine Uses of Records Maintained in the System has been amended by adding language to Routine Use #21 which states, ''*a. Effective Response.* A federal agency's ability to respond quickly and effectively in the event of a breach of federal data is critical to its efforts to prevent or minimize any consequent harm. An effective response necessitates disclosure of information regarding the breach to those individuals affected by it, as well as to persons and entities in a position to cooperate, either by assisting in notification to affected individuals or playing a role in preventing or minimizing harms from the breach. b. *Disclosure of Information.* Often, the information to be disclosed to such persons and entities is maintained by federal agencies and is subject to the Privacy Act (5 U.S.C. 552a). The Privacy Act prohibits the disclosure of any record in a system of records by any means of communication to any person or agency absent the written consent of the subject individual, unless the disclosure falls within one of twelve statutory exceptions. This routine use is required in order to ensure an agency is in the best position to respond in a timely and effective manner, in accordance with 5 U.S.C. 552a(b)(3) of the Privacy Act, agencies should publish a routine use for appropriate systems specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a data breach.''

Adding Routine Use #27 which states, ''Disclosure of Veteran identifiers and demographic information (*e.g.,* name, social security number (SSN), address, date of birth) may be made to an organization with whom VA has a documented partnership, arrangement or agreement (*e.g.,* Health Information Exchange (HIE), Health Information Service Provider (HISP) Direct, CommonWell Health Alliance network), for the purpose of identifying and correlating patients.'' VA needs this ability to share demographic information for correlation and identification purposes.

Routine use #28 is being added to state, ''VA may disclose relevant health care information to the Centers for Disease Control and Prevention (CDC) and/or their designee in response to its request or at the initiation of VA, in connection with disease-tracking, patient outcomes, bio-surveillance, or other health information required for program accountability.'' VA needs the ability to conduct disease tracking to impact patient outcomes, respond to public health threats, and to contribute significantly to the CDC's ability to conduct and monitor public health surveillance.

Routine use #29 is being added to state, ''VA may, on its own initiative, disclose information from this system to another Federal agency or Federal entity, when VA 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. VA needs this routine use for the data breach response and remedial efforts with another Federal agency.

Routine use #30 is being added to state, ''VA may disclose relevant healthcare and demographic information to health and welfare agencies, housing resources, and community providers, consistent with good medical-ethical practices, for Veterans assessed by or engaged in VA homeless programs for purposes of coordinating care, expediting access to housing, providing medical and related services, participating in coordinated entry processes, reducing Veteran homelessness, identifying homeless individuals in need of immediate assistance and ensuring program accountability by assigning and tracking responsibility for urgently required care.'' VA needs this routine use to effectively and efficiently collaborate with partner agencies by sharing information documented in the Homeless Operations Management and Evaluation System (HOMES) for the explicit purpose of improving timeliness and access to necessary services for Veterans in the homeless continuum.

The Record Source Category is being amended to replace 89VA16 with

89VA10NB to reflect the current organizational alignment.

Appendix 4 has been amended by:

1. Removing the ''Oncology Tumor Registry (ONC)'' which is now incorporated in the VA Central Cancer Registry (VACCR); therefore, ONC is no longer needed as a separate registry.

2. Amending the Veterans Affairs Surgical Quality Improvement Program (VASQIP) address is being amended to replace VA National Surgery Office (10NC2), 810 Vermont Avenue NW, Washington, DC 20420 with Region 06 Office of Information and Technology (OI&T) Data Center, Denver, CO 80220.

3. Replacing HAIISS Data Warehouse is being replaced with National Center for Patient Safety Public Health System (NCPSPHS) due to the HAISS being discontinued, therefore adding NCPSPHS represented a change of mission as well as data content.

4. ''Public Health Reference Network'' is being replaced with NCPSPHS due to the information technology (IT) system being discontinued and a name change to better describe the mission of the IT system within VHA.

5. Adding the ''Inpatient Evaluation Center (IPEC) Legionella Case Report Module'', which are located at the Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772. IPEC is being added as system to record aggregate data about hospitalized patients, the Legionnaire Module was added to record individual patient data with a patient identifier used to track patients diagnosed with Legionnaire's Disease.

6. Adding the ''Veterans Integrated Registry Platform'', which a new health registry platform designed to host VHA health registries.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677),

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, approved this document on July 24, 2017, for publication.

Dated: February 7, 2018.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy Information and Identity Protection, Office of Quality, Privacy and Risk, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME: National Patient Databases-VA (121VA10A7)

SECURITY CLASSIFICATION: NONE.

SYSTEM LOCATION:

Records are maintained at VA medical centers, VA data processing centers, Veterans Integrated Service Networks (VISN), and Office of Information field offices. Address location for each VA national patient database is listed in VA Appendix 4 at the end of this document.

SYSTEM MANAGER(S):

Officials responsible for policies and procedures: Assistant Deputy Under Secretary for Informatics and Information Governance (10P2), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Officials maintaining this system of records: Director, National Data Systems (10P2C), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38 United States Code Section 501.

PURPOSE(S) OF THE SYSTEM:

The records and information may be used for statistical analysis to produce various management, workload tracking, and follow-up reports; to track and evaluate the ordering and delivery of equipment, services, and patient care; for the planning, distribution, and utilization of resources; to monitor the performance of VISNs; and to allocate clinical and administrative support to patient medical care. The data may be used for VA's extensive research programs in accordance with VA policy. In addition, the data may be used to assist in workload allocation for patient treatment services including provider panel management, nursing care, clinic appointments, surgery, prescription processing, diagnostic and therapeutic procedures; to plan and schedule training activities for employees; for audits, reviews, and investigations conducted by the network directors office and VA Central Office; for quality assurance audits, reviews, and investigations; for law enforcement investigations; and for personnel management, evaluation and employee ratings, and performance evaluations. Survey data will be collected for the purpose of measuring and monitoring national, VISN, and facility-level performance on the Veterans Health Administration's (VHA) Veteran Health Care Service Standards (VHSS) pursuant to Executive Order 12862 and VHA Customer Service Standards Directive. The VHSS are designed to measure levels of patient satisfaction in areas that patients have defined as important in receiving quality, patient-centered health care. Results of the survey data analysis are shared throughout the VHA system. The External Peer Review Program (EPRP) data are collected in order to provide medical centers and outpatient clinics with diagnosis and procedure-specific quality of care information. EPRP is a contracted review of care, specifically designated to collect data to be used to improve the quality of care. The Veteran Homeless records and information will be used for case management in addition to statistical analysis to produce various management, workload tracking, and follow-up reports; to track and evaluate the goal of ending Veteran homelessness. National Center for Patient Safety Public Health System data will be available to VHA clinicians to use for the monitoring of health care-associated infections and for the transmittal of data to state/local health departments for biosurveillance purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

The records contain information for all individuals (1) Receiving health care from VHA, and (2) Providing the health care. Individuals encompass Veterans and their immediate family members, members of the Armed Services, current and former employees, trainees, contractors, subcontractors, consultants, volunteers, and other individuals working collaboratively with VA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may include information and health information related to:

1. Patient medical record abstract information including, but not limited to, information from Patient Medical Record—VA (24VA10P2).

2. Identifying information (*e.g.,* name, birth date, death date, admission date, discharge date, gender, social security number, taxpayer identification number); address information (*e.g.,* home and/or mailing address, home telephone number, emergency contact information such as name, address, telephone number, and relationship); prosthetic and sensory aid serial numbers; medical record numbers; integration control numbers; information related to medical

examination or treatment (*e.g.,* location of VA medical facility providing examination or treatment, treatment dates, medical conditions treated or noted on examination); information related to military service and status;

3. Medical benefit and eligibility information;

4. Patient workload data such as admissions, discharges, and outpatient visits; resource utilization such as laboratory tests, x-rays;

5. Patient Satisfaction Survey Data which include questions and responses;

6. EPRP data capture;

7. Online Data Collection system supported by Northeast Program Evaluation Center and VHA Support Service Center to include electronic information from all Veteran homeless programs and external sources; and

8. Clinically oriented information associated with My HealtheVet such as secure messages.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by Veterans, VA employees, VA computer systems, Veterans Health Information Systems and Technology Architecture, VA medical centers, VA Health Eligibility Center, VA program offices, VISNs, VA Austin Automation Center, the Food and Drug Administration (FDA), Department of Defense (DOD), Department of Housing and Urban Development (HUD), Survey of Healthcare Experiences of Patients, EPRP, and the following Systems Of Records: 'Patient Medical Records—VA' (24VA10P2), 'National Prosthetics Patient Database—VA' (33VA113), 'Healthcare Eligibility Records—VA' (89VA10NB), VA Veterans Benefits Administration automated record systems (including the Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA23)), and subsequent iterations of those systems of records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 38 U.S.C. 7332, *i.e.,* medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus; information protected by 38 U.S.C. 5705, *i.e.,* quality assurance records; or information protected by 45 CFR Parts 160 and 164, *i.e.,* individually identifiable health information, such information cannot be disclosed under a routine use unless there is also specific statutory authority permitting the disclosure. VA may disclose protected health information pursuant to the following routine uses where required or permitted by law.

1. VA may disclose on its own initiative any information in this system, except the names and home addresses of Veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, state, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order. On its own initiative, VA may also disclose the names and addresses of Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule, or order issued pursuant thereto.

2. Disclosure may be made to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested), when necessary to obtain or provide information relevant to an individual's eligibility, care history, or other benefits across different Federal, state, or local, public health, health care, or program benefit agencies that improves the quality and safety of health care for our Veterans.

3. Disclosure may be made to a Federal agency in the executive, legislative, or judicial branch, state and local Government or the District of Columbia government in response to its request or at the initiation of VA, in connection with disease tracking, patient outcomes, or other health information required for program accountability.

4. Disclosure may be made to the National Archives and Records Administration and the General Services Administration for records management inspections under authority of Title 44, Chapter 29, of the United States Code.

5. VA may disclose information in this system of records to the Department of Justice (DOJ), either on VA's initiative or in response to DOJ's request for the information, after either VA or DOJ determines that such information is relevant to DOJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

6. Records from this system of records may be disclosed to a Federal agency or to a state or local government licensing board and/or to the Federation of State Medical Boards or a similar nongovernment entity that maintains records concerning individuals' employment histories or concerning the issuance, retention, or revocation of licenses, certifications, or registration necessary to practice an occupation, profession, or specialty, in order for the agency to obtain information relevant to an agency decision concerning the hiring, retention, or termination of an employee.

7. Records from this system of records may be disclosed to inform a Federal agency, licensing boards, or appropriate non-governmental entities about the health care practices of a terminated, resigned, or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients receiving medical care in the private sector or from another Federal agency.

8. For program review purposes and the seeking of accreditation and/or certification, disclosure may be made to survey teams of the Joint Commission, College of American Pathologists, American Association of Blood Banks, and similar national accreditation agencies or boards with whom VA has a contract or agreement to conduct such reviews but only to the extent that the information is necessary and relevant to the review.

9. Disclosure may be made to a national certifying body that has the authority to make decisions concerning the issuance, retention, or revocation of licenses, certifications, or registrations required to practice a health care profession, when requested in writing by an investigator or supervisory official of the national certifying body for the purpose of making a decision concerning the issuance, retention, or

revocation of the license, certification, or registration of a named health care professional.

10. Records from this system that contain information listed in 5 U.S.C. 7114(b)(4) may be disclosed to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

11. Disclosure may be made to the representative of an employee of all notices, determinations, decisions, or other written communications issued to the employee in connection with an examination ordered by VA under medical evaluation (formerly fitness-for duty) examination procedures or Department-filed disability retirement procedures.

12. VA may disclose information to officials of the Merit Systems Protection Board, or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

13. VA may disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the Commission as authorized by law or regulation.

14. VA may disclose information to the Federal Labor Relations Authority (including its General Counsel) information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

15. Disclosure of medical record data, excluding name and address, unless name and address are furnished by the requester, may be made to non-Federal research facilities for research purposes determined to be necessary and proper when approved in accordance with VA policy.

16. Disclosure of name(s) and address(s) of present or former personnel of the Armed Services, and/or their dependents, may be made to: (a) A Federal department or agency, at the written request of the head or designee of that agency; or (b) directly to a contractor or subcontractor of a Federal department or agency, for the purpose of conducting Federal research necessary to accomplish a statutory purpose of an agency. When disclosure of this information is made directly to a contractor, VA may impose applicable conditions on the department, agency, and/or contractor to insure the appropriateness of the disclosure to the contractor.

17. Disclosure may be made to individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor, subcontractor, public or private agency, or other entity or individual with whom VA has an agreement or contract to perform the services of the contract or agreement. This routine use includes disclosures by the individual or entity performing the service for VA to any secondary entity or individual to perform an activity that is necessary for individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to provide the service to VA.

18. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

19. VA may disclose information to a Federal agency for the conduct of research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency, provided that there is legal authority under all applicable confidentiality statutes and regulations to provide the data and the VHA Office of Information has determined prior to the disclosure that VHA data handling requirements are satisfied.

20. Disclosure of limited individual identification information may be made to another Federal agency for the purpose of matching and acquiring information held by that agency for VHA to use for the purposes stated for this system of records.

21. VA may, on its own initiative disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) VA has determined that as a result of the suspected or confirmed compromise there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by VA or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by VA to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

a. Effective Response. A federal agency's ability to respond quickly and effectively in the event of a breach of federal data is critical to its efforts to prevent or minimize any consequent harm. An effective response necessitates disclosure of information regarding the breach to those individuals affected by it, as well as to persons and entities in a position to cooperate, either by assisting in notification to affected individuals or playing a role in preventing or minimizing harms from the breach.

b. *Disclosure of Information.* Often, the information to be disclosed to such persons and entities is maintained by federal agencies and is subject to the Privacy Act (5 U.S.C. 552a). The Privacy Act prohibits the disclosure of any record in a system of records by any means of communication to any person or agency absent the written consent of the subject individual, unless the disclosure falls within one of twelve statutory exceptions. In order to ensure an agency is in the best position to respond in a timely and effective manner, in accordance with 5 U.S.C. 552a(b)(3) of the Privacy Act, agencies should publish a routine use for appropriate systems specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a data breach.

22. On its own initiative, VA may disclose to the general public via an internet website, Primary Care Management Module information, including the names of its providers, provider panel sizes and reports on provider performance measures of quality when approved in accordance with VA policy.

23. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

24. VA may disclose names and addresses of present or former members of the Armed Services and/or their dependents under certain circumstances: (a) To any nonprofit organization, if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, or (b) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such organization, agency, or instrumentality has made a written request for such names or addresses for a purpose authorized by law, provided that the records will not be used for any purpose other than that stated in the request and that the organization, agency, or instrumentality is aware of the penalty provision of 38 U.S.C. 5701(f).

25. VA may disclose information, including demographic information, to HUD for the purpose of reducing homelessness among Veterans by implementing the Federal strategic plan to prevent and end homelessness and by evaluating and monitoring the HUD-Veterans Affairs Supported Housing program.

26. VA may disclose health care information to the FDA, or a person subject to the jurisdiction of the FDA, with respect to FDA-regulated products, for purposes of reporting adverse events; product defects or problems, or biological product deviations; tracking products; enabling product recalls, repairs, or replacements; and/or conducting post marketing surveillance.

27. Disclosure of Veteran identifiers and demographic information (*e.g.,* name, SSN, address, date of birth) may be made to an organization with whom VA has a documented partnership, arrangement or agreement (*e.g.,* HIE, HISP, Direct and CommonWell Health Alliance Network) for the purpose of identifying and correlating patients.

28. VA may disclose relevant health care information to the CDC and/or their designee in response to its request or at the initiation of VA, in connection with disease-tracking, patient outcomes, bio-surveillance, or other health information required for program accountability.

29. VA may, on its own initiative, disclose information from this system to another Federal agency or Federal entity, when VA 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.

30. VA may disclose relevant healthcare and demographic information to health and welfare agencies, housing resources, and community providers, consistent with good medical-ethical practices, for Veterans assessed by or engaged in VA homeless programs for purposes of coordinating care, expediting access to housing, providing medical and related services, participating in coordinated entry processes, reducing Veteran homelessness, identifying homeless individuals in need of immediate assistance and ensuring program accountability by assigning and tracking responsibility for urgently required care.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained on electronic storage media including magnetic tape, disk, and laser optical media.

POLICIES AND PRACTICES FOR RETRIEVABILITY OF RECORDS:

Records are retrieved by name, social security number or other assigned identifiers of the individuals on whom they are maintained.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records are disposed of in accordance with General Records Schedule 20, item 4. Item 4 provides for deletion of data files when the agency determines that the files are no longer needed for administrative, legal, audit, or other operational purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

1. Access to and use of national patient databases are limited to those persons whose official duties require such access, and VA has established security procedures to ensure that access is appropriately limited. Information security officers and system data stewards review and authorize data access requests. VA regulates data access with security software that authenticates users and requires individually unique codes and passwords. VA provides information security training to all staff and instructs staff on the responsibility each person has for safeguarding data confidentiality.

2. VA maintains Business Associate Agreements and Non-Disclosure Agreements with contracted resources in order to maintain confidentiality of the information.

3. Physical access to computer rooms housing national patient databases is restricted to authorized staff and protected by a variety of security devices. Unauthorized employees, contractors, and other staff are not allowed in computer rooms. The Federal Protective Service or other security personnel provide physical security for the buildings housing computer rooms and data centers.

4. Data transmissions between operational systems and national patient databases maintained by this system of record are protected by state-of-the-art telecommunication software and hardware. This may include firewalls, encryption, and other security measures necessary to safeguard data as it travels across the VA Wide Area Network. Data may be transmitted via a password protected spreadsheet and placed on the secured share point Web portal by the user that has been provided access to their secure file. Data can only be accessed by authorized personnel from each facility within the Polytrauma System of Care and the Physical Medicine and Rehabilitation Program Office.

5. In most cases, copies of back-up computer files are maintained at off-site locations.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting of records in this system may write or call the Director of National Data Systems (10P2C), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772, or call the VA National Service Desk and ask to speak with the VHA Director of National Data Systems at (512) 326–6780.

CONTESTING RECORD PROCEDURES:

(See Record Access procedures above).

NOTIFICATION PROCEDURE:

Individuals who wish to determine whether this system of records contains information about them should contact the Director of National Data Systems (10P2C), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772. Inquiries should include the person's full name, social security number, location and dates of employment or location and dates of treatment, and their return address.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Last full publication provided in 79 FR 8245 dated February 11, 2014.

VA APPENDIX 4

Database name	Location
Addiction Severity Index (ASI)	Veterans Affairs Medical Center, 7180 Highland Drive, Pittsburg, PA 15206.
Bidirectional Health Information Exchange (BHIE)	SunGard, 1500 Spring Garden Street, Philadelphia, PA 19130.
Breast Care Registry	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
VA Clinical Assessment Reporting and Tracking (CART) Program	Denver VA Medical Center, 1055 Clermont Street, Denver, CO 80220.
Consolidated Mail Outpatient Pharmacy (CMOP) Centralized Database System.	Southwest CMOP, 3675 East Britannia Drive, Tucson, AZ 85706.
Converged Registries Solution (CRS)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Cruetzfelet-Jakob Disease Lookback Dataset (CJDLD)	Cincinnati VA Medical Center, 3200 Vine Street, Cincinnati, OH 45220.
Defense and Veterans Eye Injury Registry (DVEIR)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Dental Encounter System (DES)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Eastern Pacemaker Surveillance Center Database	Veterans Affairs Medical Center, 50 Irving Street NW, Washington, DC 20422.
Emerging Pathogens Initiative (EPI)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Federal Health Information Exchange (FHIE)	SunGard, 1500 Spring Garden Street, Philadelphia, PA 19130.
Financial Clinical Data Mart (FCDM)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Former Prisoner of War Statistical Tracking System	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Functional Status and Outcome Database (FSOD)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Home Based Primary Care (HBC)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Homeless Operational Management & Evaluation System (HOMES)	Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772.
Homeless Veterans Registry	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Implant Tracking Registry	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
IPEC Legionella Case Report Module	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Mammography Quality Standards (MQS) VA	Veterans Affairs Medical Center, 508 Fulton Street, Durham, NC 27705.
Master Veteran Index	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Medical SAS File (MDP) (Medical District Planning (MEDIPRO))	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Multiple Sclerosis Surveillance Request (MSSR) Registry	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
National Center for Patient Safety Public Health System (NCPSPHS)	Veterans Affairs Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304.
National Mental Health Database System (NMHDS)	Veterans Affairs Medical Center, 7180 Highland Drive, Pittsburgh, PA 15206.
National Medical Information System (NMIS)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
National Survey of Veterans (NSV)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Patient Assessment File (PAF)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Pharmacy Benefits Management (PBM)	Veterans Affairs Medical Center, 5th Avenue and Roosevelt Road, Hines, IL 60141.
Remote Order Entry System (ROES)	Denver Distribution Center, 155 Van Gordon Street, Lakewood, CO 80228–1709.
Resident Assessment Instrument/Minimum Data Set (RAI/MDS)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Traumatic Brain Injury (TBI) Registry	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
VA National Clozapine Registry (NCCC)	Veterans Affairs Medical Center, 4500 South Lancaster Road, Dallas, TX 75216.
Veterans Affairs Surgical Quality Improvement Program (VASQIP)	VA National Surgery Office (10NC2), 810 Vermont Avenue NW, Washington, DC 20420.
VA Vital Status File (VSF)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Veterans Administration Central Cancer Registry (VACCR)	Veterans Affairs Medical Center, 50 Irving Street NW, Washington, DC 20422.

Database name	Location
Veterans Health Administration Support Service Center (VSSC)	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Veterans Integrated Registry Platform	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
War Related Illness and Injury Study Center (WRIISC) Database	VA Palo Alto Health Care System, 3801 Miranda Avenue, Mail Code 151Y, Palo Alto, CA 94304.

[FR Doc. 2018–02760 Filed 2–9–18; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0826]

Agency Information Collection Activity: Intent To File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC

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 April 13, 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. 2900–0826'' 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 of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (VA Form 21–0966).

OMB Control Number: 2900–0826.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0966 is used to gather the necessary information to determine an effective date for an award granted in association with a complete claim filed within 1 year of such form. VA also uses it as a request for application and responds by mailing the claimant a letter of receipt, along with the appropriate VA form or application for VA benefits.

Affected Public: Individuals and households.

Estimated Annual Burden: 181,140 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 724,561.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02712 Filed 2–9–18; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on March 20–21, 2018, at Nova Southeastern University, Center for Collaborative Research, 3321 College Avenue, Suite 242, in Davie, FL 33314, from 2:00 p.m. until 5:30 p.m. (Eastern) on March 20 and from 9:00 a.m. to 5:00 p.m. (Eastern) on March 21. All sessions will be open to the public, and for interested parties who cannot attend in person, there is a toll-free telephone number (800) 767–1750; access code 56978#.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War in 1990–1991.

The Committee will review VA program activities related to Gulf War Veterans' illnesses, and updates on relevant scientific research published since the last Committee meeting. Presentations will include updates on the VA Gulf War research program, descriptions of new areas of research involving airborne hazards, blast injuries and neuroscience, and phenotyping research that can be applied to the health problems of Gulf War Veterans. Also, there will be a discussion of Committee business and activities.

The meeting will include time reserved for public comments in the afternoon. A sign-up sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's

review to Dr. Victor Kalasinsky via email at *victor.kalasinsky@va.gov.*

Because the meeting is being held in a university building, a photo I.D. must be presented as part of the clearance process. Therefore, any person attending should allow an additional 15 minutes before the meeting begins. Any member of the public seeking additional information should contact Dr. Kalasinsky, Designated Federal Officer, at (202) 443–5600.

Dated: February 7, 2018.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–02799 Filed 2–9–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 83 Monday,
No. 29 February 12, 2018

Part II

The President

Notice of February 9, 2018—Continuation of the National Emergency With Respect to Libya

Federal Register
Vol. 83, No. 29
Monday, February 12, 2018

Presidential Documents

Title 3—

The President

Notice of February 9, 2018

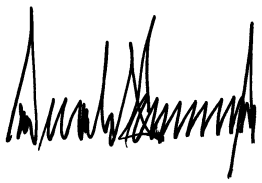
Continuation of the National Emergency With Respect to Libya

On February 25, 2011, by Executive Order 13566, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of Colonel Muammar Qadhafi, his government, and his close associates, which took extreme measures against the people of Libya, including using weapons of war, mercenaries, and wanton violence against unarmed civilians. In addition, there was a serious risk that Libyan state assets would be misappropriated by Qadhafi, members of his government, members of his family, or his close associates. The foregoing circumstances, the prolonged attacks against civilians, and the increased numbers of Libyans seeking refuge in other countries caused a deterioration in the security of Libya and posed a serious risk to its stability.

The situation in Libya continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, and measures are needed to protect against the diversion of assets or other abuses by members of Qadhafi's family, their associates, and others hindering Libyan national reconciliation.

For this reason, the national emergency declared on February 25, 2011, must continue in effect beyond February 25, 2018. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13566.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
February 9, 2018.

[FR Doc. 2018–03004
Filed 2–9–18; 11:15 am]
Billing code 3295–F8–P

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